

THE ATTITUDES OF IOWA PUBLIC SCHOOL BOARD MEMBERS,  
ADMINISTRATORS AND STUDENTS TOWARD STUDENT RIGHTS

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A Dissertation  
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The School of Graduate Studies  
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by  
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An abstract of a Dissertation by  
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Since the decade of the sixties, the constitutional rights of students have become a major concern of school board members, administrators and students. Because of the rulings of the court, existing school policies may not agree with the decisions the courts have made. In addition, many of the people serving as school board members and administrators were educated in schools that promoted an authoritarian-type atmosphere, with little regard for student rights. Therefore, this study was made to determine the present attitudes toward student rights held by school board members, superintendents, secondary school principals and secondary school students in the public schools of the state of Iowa.

The problem. The problems investigated in this study were:

- 1) Are the attitudes of school board members, superintendents, secondary school principals and secondary school students similar in regard to student rights?
- 2) Is there a relationship between school district size as determined by K-12 enrollment and attitudes of school board members, superintendents, secondary school principals and secondary school students in regard to student rights?

Procedure. A survey instrument containing thirty-two statements pertaining to student rights was sent to school board members, superintendents, secondary school principals and secondary school students in randomly selected Iowa public school districts. These statements were individually ranked according to a scale which measured a positive or negative attitude toward student rights. A two-factor analysis of variance was selected as the most appropriate statistical model for the data.

Findings. The findings included:

- 1) Students have a decidedly more positive attitude toward student rights than school board members, superintendents and secondary school principals.
- 2) Secondary school principals have a more positive attitude toward student rights than school board members or superintendents.
- 3) Board members and superintendents are similar in their attitudes toward student rights.

4) In Iowa, respondents in the large school districts (1,500 or more students) have a more positive attitude toward student rights than those in the small (less than 750 students) or medium-sized (750-1,499 students) public school districts.

5) In Iowa, respondents in small and medium-sized school districts were similar in their attitudes toward student rights.

Conclusions. The following conclusions were made as a result of the study:

1) There is a significant difference in attitudes toward student rights among students, administrators, and board members. However, the differences in attitudes toward student rights between school board members and superintendents is non-significant.

2) Although respondents in small and medium-sized school districts were similar in their attitudes toward student rights, there is a significant difference between respondents in those districts and the large public school districts.

Recommendations. The following recommendations were suggested:

1) For school board members and administrators, there should be held periodically a required in-service day concerning school law and discussion of court decisions relevant to public schools.

2) Pertinent courses of study encompassing the constitutional rights of students should be required for all student teachers and potential administrators.

3) A survey instrument by which each school could test for weak or dissonant areas concerning student rights should be developed.

4) School staff-parent-student representative councils for the review of school policies and the establishment of long-range goals should be formed.

5) The development of a uniform student rights code legally acceptable to all concerned parties is recommended.

6) There should be a longitudinal study to see how, if at all, group attitudes change over time and whether such changes result in larger or smaller differences between groups.

7) An identification and study of other groups, such as parents, should be compared with groups like those included in this study.

8) There should be studies designed to determine why the differences exist between groups as were found in this study and to explore the effectiveness of procedures structured to reduce such differences.

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## Chapter 1

### INTRODUCTION

Most people who have been educated in the American public school system have, at one time or another, studied and reviewed the Constitutional rights that this country's forefathers sought so diligently to establish and maintain for themselves and for future generations. These Constitutional rights are indeed considered noble and lofty concepts--and where better could a young person learn these concepts than in a school system where these values are extolled. However, an antithetical situation developed in the public school system: while teaching the importance of basic human rights, the schools set arbitrary limitations on the freedoms an individual should be experiencing. Many schools established their own rules and regulations--some in definite opposition to the basic rights of the individual. Indeed, compulsory school attendance made it impossible for a child to escape this situation.<sup>1</sup>

For many years, most of these rules remained unchallenged; then in 1943, the Supreme Court, in West Virginia

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<sup>1</sup>Gerald W. Marker and Howard D. Mehlinger, "Schools, Politics, Rebellion and Other Youthful Interests," Phi Delta Kappan, December, 1974, p. 244.



Board of Education v. Barnette,<sup>1</sup> ruled that young citizens do deserve protection of their freedoms as stated in the Constitution. Although the Court ruled in this manner, very little change was noted in the schools.<sup>2</sup>

However, in the decade of the sixties, definite changes were taking place in the attitudes of students toward their rights and the Court's rulings concerning those rights. Students became more vocal and began to test the extent of their rights in specific situations. In December, 1965, a black armband conflict occurred in Des Moines concerning two Tinker children and their friend, Christopher Eckhardt. These youngsters were suspended for wearing black armbands. Ultimately, their case was ruled on by the Supreme Court in 1969; this landmark decision asserted a student's right to self-expression as defined and protected under the First Amendment.<sup>3</sup>

Summarily, because of the Supreme Court's ruling in the Tinker case, many cases have since found their way to the courts. Some decisions have favored the rules of the schools,

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<sup>1</sup>Edmund James, "The Law and Student Rights," (unpublished Doctoral dissertation, Ohio State University, 1972), p. 44.

<sup>2</sup>W. Richard Brothers, "Procedural Due Process: What Is It?" NASSP Bulletin, Vol. 59, No. 387 (January, 1975), 4.

<sup>3</sup>Alan Goldstein, "Students and the Law: A Changing Relationship," NASSP Bulletin, Vol. 58, No. 384 (October, 1974), 51.

yet many decisions have favored the student when individual rights and freedoms as guaranteed by the Constitution are concerned.

### Statement of the Problem

At the present time, an antagonistic situation exists in many public schools. Certain school administrators and school board members have had their formal education--especially elementary and secondary education--in an authoritarian-type environment where rules and regulations were implemented and arbitrary punishment delivered if the rules were not followed. Yet today, with student rights in the forefront, they are called upon to administer in an atmosphere where their decisions can be challenged by a student or group of students.

If attitudes involving student rights are significantly different between administrators and students, conflicts can arise and impede the most effective communication between the two parties.

### Purpose of the Study

The purpose of this study was to determine the attitudes of school board members, superintendents, secondary school principals and high school students in Iowa public schools toward statements concerning student rights. This study attempted to answer the following questions:

Question 1: Are the attitudes of school board members, superintendents, secondary school principals and high school students similar in regard to student rights?

Question 2: Is there a relationship between school district size as determined by K-12 enrollment and attitudes of school board members, superintendents, secondary school principals and high school students in regard to student rights?

There were two null hypotheses tested based on the previous questions:

Null Hypothesis 1: There are no differences between the mean attitudes of school board members, superintendents, secondary school principals and high school students toward student rights.

Null Hypothesis 2: There are no differences in attitudes toward student rights between groups in small school districts (K-12=less than 750 students), medium sized school districts (K-12=750-1,499 students), and large school districts (K-12=1,500 or more students).

### Procedures

This study was confined to randomly selected Iowa public school districts as categorized by size. School enrollments were taken from the Iowa Educational Directory 1974-75 School Year.

<u>K-12 School Size</u>	<u>Number of Schools</u>
A. Less than 750	233
B. 750-1,499	130
C. 1,500 or more	87

In each category, the responses of twenty-five school board members, twenty-five superintendents, twenty-five secondary school principals and twenty-five secondary school students from randomly selected school districts in Iowa were used as the data for this study.

The questionnaire contained thirty-two statements concerning student rights. Each subject was asked to express his actual feelings toward each statement. For those items which were positive toward student rights, a +3 score was given for strongly agree and a -3 for strongly disagree with four intermediate points. The reverse of this scoring was used for statements which were negative toward student rights.

The questionnaire was limited to four major areas of concern regarding student rights. These areas were suspension and expulsion, dress and grooming, freedom of expression

and search and seizure. There were eight statements in each area.

The survey instrument was validated by the doctoral committee and by school personnel not included in the sample. Suggestions for changes were made and the survey instrument was amended accordingly.

Once the survey instrument was approved by the doctoral committee, it was mailed to those school districts identified for the sample.

The statistical analysis of the data consisted of a two factor analysis of variance. One factor was the four school-related groups and the second factor was school district size based on K-12 enrollment.<sup>1</sup>

#### Importance of the Study

This study attempted to show how school board members, administrators and students actually felt about statements concerning student rights. Phillip Bromley, an assistant professor of education at the University of West Florida, has stated, "...learning must find root in a school climate that permits orderly, efficient, and effective experiences

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<sup>1</sup>J. P. Guilford and B. Fruchter, Fundamental Statistics in Psychology and Education (5th ed.; New York: McGraw-Hill Book Company, 1973), pp.259-261.

to flourish."<sup>1</sup>

Since effective communication among school board members, administrators and students is necessary in promoting a positive school environment, a significant difference in attitudes toward student rights could impede effective communication and thus reduce the opportunity for positive interaction.

There may be a need to develop standards of procedures that will enable students to exercise their rights and fulfill their responsibilities in an educational institution. Not all of these rights are guaranteed at the present time, but they may be necessary if students are to develop their intellects and characters to the fullest degree.

In addition, the results of this study could be used in the training of future school personnel or as a part of in-service programs for present school personnel in identifying attitudinal tendencies that could be existent within a school district.

#### Delimitations of the Study

This study was confined to selected Iowa public school districts as categorized by size. School enrollments were taken from the Iowa Educational Directory 1974-75 School Year.

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<sup>1</sup>Phillip Bromley, "Student Involvement Through a Communication System," NASSP Bulletin, Vol. 59, No. 387 (January, 1975), 41.

Because of the wide scope of the topic, student rights, the study was limited to four major areas of concern regarding student rights. The areas were suspension and expulsion, dress and grooming, freedom of expression and search and seizure. Thorum conducted a survey of the fifty state boards of education and found that in the area of student rights the first three of the above-mentioned areas received the greatest amount of attention by the boards. Concerning search and seizure, Thorum stated, "The last stronghold of in loco parentis doctrine remains in the search and seizure phase of student rights."<sup>1</sup> So the attitudinal statements on search and seizure were included in this study in order to see how "the last stronghold" was viewed by the groups of concern in this study.

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<sup>1</sup>Reho F. Thorum, "Codifying Student Rights and Responsibilities," NASSP Bulletin, Vol. 59, No. 387 (January, 1975), 12.

## Chapter 2

### A REVIEW OF LITERATURE

In 1943, the court, in West Virginia Board of Education v. Barnette, stated:

...educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.<sup>1</sup>

That statement made by the court expounded the values of the rights of individuals--whether they be juveniles or adults--yet events during the first half of the twentieth century showed strong evidence of faith in the arbitrary disciplinary organization of the American public school system. School rules and regulations were, almost without exception, upheld by the courts. In recent years, however, attitudes have shifted to the opposite direction. Many feel that the American educational system is not doing its job because it simply has regarded students as "passive vessels into which education is poured" rather than "active participants in the educational process."<sup>2</sup>

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<sup>1</sup>Nat Hentoff, "Why Students Want Their Constitutional Rights," Saturday Review, May 22, 1971, p. 60.

<sup>2</sup>Edmund James, "The Law and Student Rights" (unpublished Doctoral dissertation, Ohio State University, 1972), pp. 10-11.



The decade of the sixties brought about an upheaval in the docile and apathetic attitude exhibited by the students of previous years. Zimmerman stated:

The lesson of the sixties should be painfully clear: People experienced in operating within institutions which accorded them their human rights were able to cope effectively with social upset. Poor people, rejected minority groups, college and secondary students who had never functioned within a human rights framework--all reacted as suppressed and denied people have always reacted. They demanded their rights and used any means to secure them.<sup>1</sup>

Thus, with the Supreme Court ruling in the Tinker case in 1969, the concept that unless basic human rights could be denied schools would be impossible to run was struck down.<sup>2</sup>

After the decision in the Tinker case, protest in schools took an upswing. An NASSP survey conducted in 1969 indicated that three out of five principals surveyed had experienced some sort of active protest in their schools; 53% of rural schools and 67% of urban schools had experienced protest.<sup>3</sup>

Regarding the unrest experienced by many schools,

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<sup>1</sup>William G. Zimmerman, Jr., "Human Rights and Administrative Responsibility," Phi Delta Kappan, December, 1974, p. 243.

<sup>2</sup>Ibid.

<sup>3</sup>James Heathman, Student Activism--An Overview (Washington, D.C.: Department of Health, Education, and Welfare, December, 1970), p. 1.

Chester said:

The disruption and unrest that characterizes many of our secondary schools has its roots deep within the fabric of our society and educational systems. The major problems of American society are reflected in its schools and in the lives of young people attending schools. Thus the schools themselves have become the foci for many groups' disaffections with, and desires to change, their environment.<sup>1</sup>

Marker and Mehlinger have discussed the evolution of change in the schools. Leading groups of students in schools have usually accommodated to the regime of the school day. They have found prestige and status in their school work and in extracurricular activities. Those who were poor students and those who did not participate in extracurricular activities were the "groups that spawned most of yesterday's rebels." This group seemed to be a constant source of irritation, both to their peer groups and to figures of authority. In years past, "they were less sophisticated, and more likely to become apathetic, non-participating adult citizens." Today, the leaders are usually the school's brightest students basing much of their stand on a political-type framework. Furthermore, Marker and Mehlinger said:

The irony is that the schools have long urged students to be concerned with social issues and accept the notion that they should participate,

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<sup>1</sup>Mark A. Chester, "Dissent and Disruption in Secondary Schools" (Paper presented at the Annual Meeting of the Metropolitan Detroit Bureau of School Studies, Inc., 1969).

to help make the rules under which they live, and the schools are unprepared to cope<sup>1</sup> with the political energy of their clients.

As Dewey so concisely stated, "the moving spirit of the whole group" and not just the will of any one person seems to be having an impact on society.<sup>2</sup>

Under the direction of the American Civil Liberties Union, the student rights movement became a more cohesive unit in 1970. In July of that year, a handbook entitled, "Rights and Responsibilities of Senior High Students," was adopted by the New York Board of Education. Following this example, other cities began adopting similar handbooks.<sup>3</sup>

Claudia Morrissey, the Executive Director of the Iowa Civil Liberties Union, has summarized some of the views held by that organization regarding the rights of students:

1. Acknowledgement that there is a Constitutional right to a free public education suited to the needs of students. This means expulsion is unconstitutional.
2. Educators and administrators must guard the First Amendment rights of their students.

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<sup>1</sup>Gerald W. Marker and Howard D. Mehlinger, "Schools, Politics, Rebellion and Other Youthful Interests," Phi Delta Kappan, December, 1974, pp. 246-247.

<sup>2</sup>John Dewey, Experience and Education (New York: Collier, 1963), p. 54.

<sup>3</sup>Hentoff, op. cit., p. 74.

3. (There) should be a de-emphasizing of importance currently placed on hair length and dress codes.
4. Due process procedures should be set up for suspension and other severe disciplinary actions.
5. (There) should be freedom from unreasonable search and seizure.
6. (There should be a) decline of the in loco parentis doctrine.<sup>1</sup>

On the other hand, Gallup polls have indicated that the number one concern of parents is that their sons or daughters receive more discipline from the schools.<sup>2</sup>

Furthermore, some school administrators believe that increasing the constitutional rights of students in school would impair the educative process. An admissions officer at the University of California said:

The educative process, it seems to me, is inherently different from the governance aspects of the political process. Schools simply cannot be conducted as though they were miniature polities. Central to formal education is the notion of a master/pupil relationship. The teachers and the students are not equals in this relationship, which is really very similar in nature to the traditional master/servant<sup>3</sup> relationship that is well recognized by law.

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<sup>1</sup>Claudia Morrissey--in statement to the Advisory and Coordinating Committee for Improvement of Education in Iowa, October 16, 1974.

<sup>2</sup>"Hire Stricter Teachers, Say Parents," The American School Board Journal, Vol. 162, No. 1 (January, 1975), 29.

<sup>3</sup>Donald W. Robinson, "Is This the Right Approach to Student Rights?" Phi Delta Kappan, December, 1974, p. 234.

Therefore, with the advocates of authoritarianism on one side and the views of more liberal thinkers on the other, Robinson stated we are in an age of confrontation--stringent rules v. permissiveness.<sup>1</sup>

To give further insight into these attitudes, the remainder of this chapter will consist of a general overview of trends as obtained by a review of literature and a review of court cases relating to each of the four selected student rights areas: freedom of expression, dress and grooming, search and seizure and suspension and expulsion.

#### FREEDOM OF EXPRESSION

The First Amendment, concerning freedom of speech, including symbolic speech and freedom of the press, has been a major focal point in the area of student rights.

In the decade of the sixties, symbolic speech became an issue with other elements of freedom of expression soon gaining momentum.

In 1966, in the case of Burnside v. Byars, the court ruled that freedom buttons could be worn in public schools unless the wearing of the buttons created disciplinary problems or interfered with the educational process. Judge Gerwin stated that school authorities cannot repress "expressions of feelings with which they do not wish to

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<sup>1</sup>Ibid.

contend."<sup>1</sup>

But on the day of the Burnside decision, the same court in Blackwell v. Issaquena County Board of Education, forbade the wearing of buttons on the grounds that the students wearing the buttons had forced other students to wear them with the subsequent occurrence of class disruption "leading to a complete breakdown of discipline."<sup>2</sup>

However, a landmark decision regarding a student's right to freedom of expression occurred in the case of Tinker v. Des Moines Independent School District. Several students protested the Viet Nam War by wearing black armbands to school; because of this action, they were suspended from school. In 1969, the Supreme Court ruled that those students were entitled to their rights as guaranteed by the First Amendment. The Court stated:

In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. ...The principle of these cases is not confined to the supervised and ordained discussion which takes place in the classroom. ...A student's rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may

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<sup>1</sup>Hentoff, op. cit., p. 61.

<sup>2</sup>Jerry Robbins, Students Rights in Mississippi on Matters of Dress and Grooming (Jackson, Mississippi: Governor's Office of Education and Training, 1973), p. 2.

express his opinions, even on controversial subjects like the conflict in Viet Nam, if he does so without materially and substantially interfer(ing) with the requirements of appropriate discipline in the operation of the school and without colliding with the rights of others.<sup>1</sup>

Since the Tinker decision, Haberman stated that the courts have been extremely reluctant to interfere with students' rights to symbolic expression; when courts do, it is because of a danger occurring and not the "vague need for discipline and respect."<sup>2</sup>

Violence was proven a significant factor in the case of Guzich v. Drebus. The court upheld the school board ruling which banned offensive political buttons on the grounds that racial turmoil could be triggered in the high school involved in the case.<sup>3</sup>

Political overtones have accounted for other court rulings concerning symbolic expression. In 1970, the New York Supreme Court in LaPolla v. Dullaghan upheld a local veterans' group which prevented a plan by a principal and students to fly the flag at half-mast in memory of four students who were killed at Kent State University. The Court

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<sup>1</sup>393 U.S. 508 at 511 (1969).

<sup>2</sup>Martin Haberman, "Student Rights: A Guide to the Right of Children, Youth and Future Teachers" (Paper presented for the School of Education, University of Wisconsin, Milwaukee, 1972), p. 6.

<sup>3</sup>Ibid., p. 10.

held that the flag could not be lowered to express political dissatisfaction.<sup>1</sup>

Actual disruption, as well as threats of disruption, were factors in two other cases. In Melton v. Young, a student caused disruption in school when he wore a Confederate flag patch; and in Genosick v. Richmond Unified School District, the school board was upheld in limiting the use of ecology and peace symbols.<sup>2</sup>

Nevertheless, the burden of proof of disruption is on school authorities. In 1973, the court ruled in Karp v. Becken that school authorities acted wrongly in suspending a student who brought on campus signs protesting the dismissal of a well-liked instructor.<sup>3</sup> As the court had emphasized in the Tinker case, "undifferentiated fear or apprehension of a disturbance is not enough to overcome the right to freedom of expression."<sup>4</sup>

Because of the possibility of disruption, some schools have had regulations that speeches given by students to other

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<sup>1</sup>Ibid., p. 7.

<sup>2</sup>M. Chester Nolte, "School Communications: Duties and Dangers" (A legal memorandum presented to the National Association of Secondary School Principals, Washington, D.C., April, 1974), p. 5.

<sup>3</sup>Ibid.

<sup>4</sup>James, op. cit., p. 32.



school groups must have approval of school officials prior to the speech. This regulation has also been challenged. In Matter of Rausher, the 1971 decision was that a requirement that speeches must be submitted to school officials for their approval was an infringement of student rights.<sup>1</sup>

On the other hand, the court in Eisner v. Stamford Board of Education, allowed censorship, but only to the extent that the school previously inform students as to the kinds of disruption which would cause the occurrence of censorship.<sup>2</sup>

Controversial speakers have been banned by some schools in the past; however, professional literature indicated little problem recently in this area. Some schools have specific limitations built into their codes, such as not forcing a student to attend a speech against his will or preventing the public degradation of an individual or group, but limitations of this kind would be upheld in courts of law.<sup>3</sup>

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<sup>1</sup>Ira Glasser and Alan H. Levine, "Bringing Student Rights to New York City's School System," Journal of Law-Education, Vol. 1, No. 2 (April, 1972), p. 220.

<sup>2</sup>Ronald W. Sealey, "The Courts and Student Rights--Substantive Matters" (Paper presented at the National Organization on Legal Problems of Education Annual Convention, Las Vegas, Nevada, November, 1971), p. 8.

<sup>3</sup>Reho F. Thorum, "Codifying Student Rights and Responsibilities," NASSP Bulletin, Vol. 59, No. 387 (January, 1975), 10-11.

Haberman noted that there had been little litigation involving outside speakers and student demonstrations on the secondary school level, but he felt that the courts would probably concur with an earlier ruling in Hammond v. South Carolina State College. In this case the court banned prior approval for outside speakers, but allowed reasonable regulations regarding time, place and duration of the speech. Haberman indicated that school authorities do not necessarily worry over views expressed by a controversial speaker, but the physical results of the manner by which it is presented.<sup>1</sup>

Nolte stated that the law upholds "the right of faculty and students to hear" and this, in turn, implies the right of student-listeners to determine who will be invited to speak.<sup>2</sup>

The decade of the sixties also marked an increase in the number of cases involving freedom of press. In 1967, in Dickey v. Alabama Board of Education, the court ruled that a student editor could not be punished for criticizing an official of the state government.<sup>3</sup>

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<sup>1</sup>Haberman, op. cit., p. 10.

<sup>2</sup>M. Chester Nolte, Law and the School Superintendent (Cincinnati: W. H. Anderson Co., 1971), p. 273.

<sup>3</sup>Beatrice Gudridge, High School Student Unrest. Education USA Special Report. How to Anticipate Protest, Channel Activism, and Protect Student Rights (Washington, D.C.: National School Public Relations Association, 1969), p. 22.

In 1969, in Zucker v. Panitz, the court ruled that a student paper has the right to publish a paid advertisement which opposed the war in Viet Nam. School authorities had opposed the ad, stating that the paper should be concerned only with school affairs. The court ruled that this attitude was an infringement of the First Amendment.<sup>1</sup>

However, there were other cases in the late 1960's whereby the courts upheld school regulations challenged by students.

In Schwartz v. Schuker, the court upheld the suspension of a high school student concerning the content of a publication produced off school property. The court stated:

A special note should be taken that the activities of a high school student do not always fall within the same category as the conduct of college students, the former being in a much more adolescent and immature stage of life and less able to screen fact from propaganda. ...While there is a certain aura of sacredness attached to the First Amendment, nevertheless, these First Amendment rights must be balanced against the duty and obligation of the state to educate students in an orderly and decent manner to protect the rights not of a few but of all the students in a school system. The line of reason must be drawn somewhere in this area of ever-expanding permissibility. Gross disrespect and contempt for the official of an educational institution may be justification not only for suspension but also for expulsion of a student.<sup>2</sup>

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<sup>1</sup>George E. Stevens and John B. Webster, Law and the Student Press (Ames: Iowa State University Press, 1973), pp. 64-65.

<sup>2</sup>E. Edmund Reutter, Jr., Legal Aspects of Control of Student Activities by Public School Officials (Topeka, Kansas: National Organization on Legal Problems of Education, 1970), p. 48.

A ten-day suspension of two students was also upheld in Baker v. Downey City Board of Education. The students were accused of violating a rule which prohibited the use of profanity or vulgarity in an off-campus newspaper they had published. School authorities proved that disruption had taken place and that students were inattentive in class because of reading and talking about the publication in the classroom. The court emphasized that the students were not being disciplined because of their criticism of the school administration and faculty or comments on the Viet Nam War, but because of "the profane and vulgar manner in which they expressed their views."<sup>1</sup>

In general, students of the decade of the sixties felt quite restricted regarding what they could say in print, and indicated that journalism classes did little to enhance freedom of the press for students. Commenting on a student survey taken in 1969, Campbell said, "If this sample reflects the attitudes of other teen-agers in the United States, it is evident that our effort to educate teen-agers for democracy are falling short of our ideals."<sup>2</sup>

As more and more students felt restricted by school authorities in voicing opinions in school newspapers, the

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<sup>1</sup>Ibid., p. 46.

<sup>2</sup>Laurence Campbell, Teenagers' Attitudes Toward the First Amendment (Iowa City, Iowa: Quill and Scroll Foundation, 1969), p. 6.

underground newspaper gained momentum. Dvorky acclaimed the underground newspaper as a vehicle for students to express their views and criticisms. She stated:

Because the schools provide no platform for the students' outrage, no vehicle for their voice, they have been forced to find their own medium: the underground--or independent--newspaper. ...The student voice in the underground paper is a totally different one from that which speaks in English class compositions, in which teachers expect--and get--certain responses, where constraints operate against candor or personal style. The disparity in the voices is a telling comment on the schools. The students explain, again and again, the intricate games that go on between teacher and student, between student and administrator, "In school you act one way, outside you can be yourself."<sup>1</sup>

Reutter noted that until April, 1970, only one appellate court decision concerning publications had ever been published. In Scoville v. Board of Education of Joliet Township, the court upheld the exclusion of students who had distributed publications deemed offensive by school administrators. At a rehearing, however, that decision was set aside and the court ruled that the students could not be expelled since the publication did not cause a disruption nor were charges made that the publication was libelous.<sup>2</sup>

A question of a student possessing material of a dubious nature was posed in the case of Vaught v. Van Buren

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<sup>1</sup>Diane Dvorky, How Old Will You Be in 1984? (New York: Avon Books, 1969), pp. 9, 12.

<sup>2</sup>Reutter, op. cit., p. 44.

Public Schools. The court ruled that a student could not be expelled for possession of a magazine containing words which could be found in materials on the reading list for students, but it did state that school authorities had the power to enforce rules concerning the extent to which, and the condition under which, obscene materials may or may not be on the school premises.<sup>1</sup>

Also, there has been a wide diversity of opinion regarding freedom of the press in the decade of the seventies. In a 1972 Education U.S.A. survey, Kleeman reported a broad range of views about student freedom of the press, ranging from "what the principal says is what is printed" to a great amount of student freedom.<sup>2</sup>

Allnut expressed his support of student freedom of the press to include the same limits pertaining to any newspaper. He stated, "The limits of the school press are defined by the legal bounds of libel, invasion of privacy and obscenity."<sup>3</sup>

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<sup>1</sup>Ibid., p. 48.

<sup>2</sup>Richard Kleeman, Student Rights and Responsibilities: Courts Force Schools to Change. An Education U.S.A. Special Report (Washington, D.C.: National School Public Relations Association, 1972), p. 22.

<sup>3</sup>Benjamin Allnut, "In Scholastic Journalism--Advisers and Principals, Partners Not Adversaries," NASSP Bulletin, Vol. 59, No. 388 (February, 1975), 1.

Ingelhart concurred with a more liberal attitude, "Legally and philosophically, there is no sound educational or administrative reason to censor the high school press."<sup>1</sup>

Captive Voices, the report of the Commission of Inquiry into High School Journalism, has stated that attitudes of the media, adults outside the school, and school personnel have combined to create an environment of suppression. The Commission also reported that suppression stems from the fear of consequences due to printing controversial material. Without an independent press in a school, the Commission concluded that students tended to be more passive regarding contributions to the school newspaper.<sup>2</sup>

Censorship of controversial articles has seemed to be a contentious issue between school officials and students. In Matter of Williams, the decision made and affirmed by the New York Board of Education was that student writers cannot be censored because the school administration disagrees with the content of the articles.<sup>3</sup>

Furthermore, Sellmeyer and Ross stated that public school authorities are representatives of the state and

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<sup>1</sup>Louis Ingelhart, "A Look at Captive Voices," NASSP Bulletin, Vol. 59, No. 388 (February, 1975), 9.

<sup>2</sup>Robert Cope, "Suppressed Speech," Nation's Schools and Colleges, Vol. 2, No. 1 (January, 1975), C2.

<sup>3</sup>Glasser and Levine, op. cit., p. 219.

subject to the same restrictions as Congress is under the First Amendment; therefore, they are not allowed to interfere with freedom of expression.<sup>1</sup>

However, Mousat reported that an Ohio principal felt that a newspaper is not the place to present really controversial issues. The principal suggested that issues of this nature would be given more justice in class discussions or in assemblies instead of the "one-way communication channel" offered by a newspaper.<sup>2</sup>

A Kentucky principal said that if student newspapers are unsupervised, the students, themselves, could be unduly influenced by adults in the community--perhaps by some with undesirable influence upon the students.<sup>3</sup>

Not only is control of student newspapers an issue, but the question of dissemination of literature has also flared in recent years. Hudgins stated that most of the press cases of the sixties have enlarged on the right of students to distribute materials at school, both school-

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<sup>1</sup>Ralph L. Sellmeyer and Billy I. Ross, "Realities of Scholastic Journalism," NASSP Bulletin, Vol. 59, No. 388 (February, 1975), 22.

<sup>2</sup>Lucia Mousat, "Freedom or Censors for High School Press," Christian Science Monitor, Vol. 66, No. 247 (November 15, 1974), 4.

<sup>3</sup>Alice Manchikes, "Underground High School Newspapers," Kentucky English Bulletin, Vol. 22, No. 1 (Fall, 1972), 17.



sponsored and underground.<sup>1</sup>

In Goodman v. South Orange-Maplewood Board of Education, the court ruled that literature could be distributed on school grounds--excluding certain types of literature, such as obscene or hate literature. The court stated:

To the extent that the contested regulation constitutes an outright interdiction of any distribution of printed material, it is suppressive. It is, therefore, an improper encroachment upon freedom of expression, and as such, it cannot be sustained.<sup>2</sup>

The Student Rights Handbook for New York City states that leaflets, newspapers and literature may be distributed next to school property, and at designated times, on school property. The handbook also states that none of the literature needs to be approved by school officials before distribution; school officials may only regulate the time and place of distribution on school property.<sup>3</sup>

This statement paralleled a circuit court of appeals verdict striking down an Indianapolis school regulation. The regulation stated in part:

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<sup>1</sup>H. C. Hudgins, Jr., "Action Not as Heavy on Student Rights," Nation's School, Vol. 89, No. 3, pp. 46-47.

<sup>2</sup>Robert F. Phay, Suspension and Expulsion of Public School Students, State-of-the-Knowledge Series No. 10 (Topeka, Kansas: National Organization on Legal Problems of Education, 1971), p. 9.

<sup>3</sup>Glasser and Levine, loc. cit.

No student shall distribute in any school any literature that is..., either by its content or by the manner of distribution itself, productive of or likely to produce a significant disruption of normal educational processes, functions, or purposes in the Indianapolis schools, or injury to others.<sup>1</sup>

Such regulations are being challenged by students as an infringement to their rights as guaranteed by the First Amendment.

Judge Nicholls, in his statement concerning the case of Butts v. Dallas Independent School District, described a guideline to follow regarding the First Amendment rights of students:

School authorities must nurture and protect rights, not extinguish, unless they find the circumstances allow them no practical alternative. As to the existence of such circumstances, they are the judges and if within the range where reasonable minds may differ, their decisions will govern. But there must be some inquiry and establishment of substantial fact to buttress the determination.<sup>2</sup>

#### DRESS AND GROOMING

As Henning said, "Like blind men feeling different parts of the elephant, each of us perceives subject matter differently,"<sup>3</sup> So, too, opinions are widely diverse

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<sup>1</sup>Alan Goldstein, "Students and the Law: A Changing Relationship," NASSP Bulletin, Vol. 58, No. 384 (October, 1974), 52.

<sup>2</sup>Sealey, loc. cit.

<sup>3</sup>Joel F. Henning, "Student Rights and Responsibilities and the Curriculum," Phi Delta Kappan, December, 1974, p. 248.

regarding student dress and grooming. Some believe in no dress code at all; others insist on strict adherence to a dress code.

However dissimilarity of opinion did not originate recently. As early as 1921, there were court cases concerning dress and grooming. Three girls attending high school at Casey, Iowa, refused to wear a graduation gown at commencement exercises. The Casey Board prohibited them from participating in the commencement ceremony and refused to grant them a diploma. In Valentine v. Independent School District of Casey, the Iowa Supreme Court ruled that although it did not disapprove of the cap and gown custom at graduation, the actual wearing of the cap and gown had no relation to educational values and that the diplomas must be awarded. The Court did allow the Board to decide whether or not those students would participate in the graduation ceremony.<sup>1</sup>

Then in 1923, an eighteen year old girl in Arkansas was suspended from school for wearing talcum powder on her face. This was cited by the school directors as an abuse of a regulation "forbidding girls to wear transparent hosiery, low-necked dresses or any other style of clothing tending toward immodesty in dress and to use face paint or cosmetics." In Pugsley v. Sellmeyer, the Court upheld the school regulation and, furthermore, stated:

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<sup>1</sup>Reutter, op. cit., p. 11.

(The court) has other and more important functions to perform than to hear the complaints of disaffected pupils regarding the rules adopted by school boards elected by the patrons of the schools and who are closely in touch with the affairs of the district.<sup>1</sup>

In Stromberg v. French, the court ruled in 1931 that the school had a right to expel a student whose use of metal heelplates caused excessive noise and deteriorated hardwood floors.<sup>2</sup>

The two preceding court cases are examples of the rulings consistently handed down by judges in the three decades anteceding 1965. In fact, no case concerning dress and grooming in which "the decided issue was the right of a school board to restrict the dress of a student as a condition for attending school reached a Federal or appellate state court.<sup>3</sup>

An NEA survey conducted in 1969 indicated that 85 percent of the teachers surveyed thought schools should have the power to regulate both dress and grooming; 7 percent indicated that schools should have no power over either dress or grooming; and the remaining 8 percent favored control of one or the other.<sup>4</sup>

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<sup>1</sup>Robbins, op. cit., p. 5.

<sup>2</sup>Ibid., p. 6.

<sup>3</sup>Reutter, op. cit., p. 12.

<sup>4</sup>Kleeman, op. cit., p. 30.

The courts have shown a more liberal attitude than the teachers who participated in the survey. Robbins stated that of the seventy-seven more recent cases ruled on by the courts between 1965-1973, thirty-six have been decided in favor of the students; thirty-five have been decided in favor of the schools; and the remaining six cases were not ruled upon because the court found there was no constitutional question involved.<sup>1</sup>

Of the thirty-six court rulings favoring students, twenty-six dealt with hairstyle and length; three involved armbands; two involved dress codes pertaining to grooming in general; and there was one case each involving moustaches, girl's hair length, sideburns, hairstyle and sideburns, and the wearing of slacks by a girl.<sup>2</sup>

In 1966, California Supreme Court Judge W. G. Watson stated, concerning the case of Meyers v. Arcata Union High School District:

The limit within which regulations can be made by the school are that there be some reasonable connection to school matters, deportment, discipline, etc., or to the health and safety of the students. ...The Court has too high a regard for the school system...to think that they are aiming at uniformity or blind conformity as a means of achieving their stated goal in educating for responsible citizenship.

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<sup>1</sup>Robbins, op. cit., p. 7.

<sup>2</sup>Ibid.

...(If there are to be some regulations, (they) must reasonably pertain to the health and safety of the students or to the orderly conduct of school business. In this regard, consideration should be given to what is really health and safety and what is merely personal preference. Certainly, the school would be the first to concede that in a society as advanced as that in which we live, there's room for many personal preferences and great care should be exercised insuring that what are mere personal preferences of one are not forced upon another for mere convenience since absolute uniformity among our citizens should be our last desire.<sup>1</sup>

This landmark statement contributed to a new wave of court cases concerning dress and grooming. In the case of Breen v. Kahl in 1969, the court upheld an eleventh grade student who had violated the school's hair regulation. In essence, the court stated that wearing hair according to an individual's taste is a personal freedom. Similar court rulings occurred shortly thereafter in Illinois, Nebraska, Connecticut, Iowa, Pennsylvania, Indiana and California.<sup>2</sup>

In another ruling in August, 1970, the same decision was reached, but an unusual viewpoint was expressed by the court. In Crews v. Clones, the U.S. Court of Appeals for the Seventh Circuit stated that the school could not claim that long hair was disruptive to other students unless it had taken steps to punish those students, who, it claimed, would cause disruption, if another student wore his hair

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<sup>1</sup>Benjamin L. Craig, "School Dress Code Violations and the Ensuing Controversy," (Paper presented at the National School Board Association Program, April, 1970).

<sup>2</sup>Hentoff, op. cit., p. 62.

long. The court stated a student should not have to forego his rights simply "because his neighbors have no self-control."<sup>1</sup>

In the only case involving the hair of a female student, the court ruled the student could wear her hair as she chose. The school board had felt that the hair rule was justified for two reasons: 1) to promote good citizenship by teaching respect for authority and instilling discipline, and 2) to allow the typing instructor to see the pupil's eyes. But the court ruled in Sims v. Colfax Community School District that these issues were not as important as the personal freedoms of the girl involved.<sup>2</sup>

The first case in which the court ordered monetary damages paid to a student expelled because of his hair length was in March, 1971. District Court Judge Joe Eaton ruled that the principal of Douglas MacArthur Junior-Senior High School in Miami, Florida, would have to pay Timothy Pyle \$182 for court costs and \$100 for damages regarding the expulsion of Pyle because of the length of his hair. The judge also made a permanent injunction prohibiting the principal or anyone else to "expel, suspend, or impose sanctions on any and all students because of the length of their hair."<sup>3</sup>

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<sup>1</sup>Ibid

<sup>2</sup>Reutter, op. cit., p. 22.

<sup>3</sup>Hentoff, op. cit., p. 74.

Johnson pointed out that the "hair cases" accentuate the disparity of legal opinion. Federal appellate courts are "in disagreement as to whether the student has the burden to prove that the school regulation clearly exceeds the inherent power of the states to make reasonable regulations for its schools, or whether the state must establish a compelling necessity which justifies the limitation on the students' freedom."<sup>1</sup>

Although hairstyle has been the main factor in the majority of court cases involving dress and grooming, there are, nevertheless, some interesting rulings regarding dress.

In 1969, a girl was punished by serving detention because she had worn slacks to school. She sought an injunction against the enforcement of the entire dress code of the school. In Scot v. Board of Education, the court refused to annul the entire dress code, but ruled in favor of the student on the pertinent section of the code. The court cited discrimination against the female student in matters of style where there was no hazard nor disruptive behavior involved.<sup>2</sup>

In Crossen v. Fatsi, the court ruled that the school dress code was unconstitutional because the interpretation of "extreme style and fashion" left too much to the discretion

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<sup>1</sup>T. Page Johnson, "The Constitution, the Courts and Long Hair," NASSP Bulletin, Vol. 57, No. 372, p. 31.



of school authorities and violated the right of privacy found in the Ninth and Fourteenth Amendments.<sup>1</sup>

Notwithstanding the preceding rulings in favor of student rights in dress and grooming, courts in thirty-five of seventy-seven recent cases have ruled in favor of the schools. Twenty-six of these cases dealt with hair length and style. Four cases involved dress codes; two, facial hair. One case each involved buttons, armbands and black berets. In general, the courts have ruled it "a right of the school board to enact reasonable policies regarding dress and grooming."<sup>2</sup>

The case of Shows v. Freeman provides an example of the court upholding a school regulation. In Mississippi, the New Augusta Attendance Center passed a resolution in August, 1968, allowing the principal to decide whether or not a student's hair was too long. When school opened in September, the principal outlined the policy on hair length, stating in part that "male students should not wear their hair longer than two inches or two finger-widths above the eyebrows." Glen Shows, an eighth-grader, did not comply with this regulation; after several warnings, he was suspended from school. The Supreme Court of Mississippi eventually ruled in favor of the school, stating in part:

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<sup>1</sup>Haberman, op. cit., p. 25.

<sup>2</sup>Robbins, op. cit., p. 8.

Although a rule of this type may affect the private lives of students outside as well as in the school, this was not an improper invasion of family privacy, which must give way to the rights and the interests of the community, teachers, and other students in an adequately disciplined and efficient school system. The purpose of the school is to educate, and school administrators have the duty to prevent disruptions of an atmosphere of learning.<sup>1</sup>

In Pound et al. v. Halladay et al., the school was again upheld in its decision to suspend students regarding hairstyle. Everyone involved with the case--including the students--agreed that the students were indeed in violation of the code; but the students wanted to challenge the constitutionality of the code. The court held that "school authorities were the sole judges of the existence of circumstances which would require the adoption of regulations such as the one in question in this action."<sup>2</sup>

Because of the disruption that took place, the court upheld a school regulation against long hair in the case of Jackson v. Darrier. Disruption of classes occurred when members of the rock group, "The Purple Haze," combed their hair. The court also ruled that their hair length caused distraction to other students.<sup>3</sup>

In a case involving an athlete, the court sustained a rule prohibiting long hair or beards on male students,

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<sup>1</sup>Ibid., p. 3.

<sup>2</sup>Ibid., p. 5.

<sup>3</sup>Haberman, loc. cit.

particularly in extracurricular activities. The court, in Neuhaus v. Torrey, felt that the ruling was consistent with "the demands of participating in competitive sports."<sup>1</sup>

Concerning gym uniforms, the case of Mitchell v. McCall involved a girl suspended for her refusal to participate in a required physical education class. She felt that the prescribed clothing was "immodest and sinful." She was supported in her actions by her father who said that he did not want her in the presence of teachers or other students who were wearing the uniform, even though school officials had permitted her to wear an outfit that she thought was suitable. The court ruled that she must participate in the physical education class under the modified circumstances allowed by the school officials and that she need not be placed in a special class.<sup>2</sup>

Although some cases have special circumstances surrounding them, most of the recent court findings have tended toward no dress code at all. Haberman stated that this tendency exists even when the student body has drawn its own code and endorsed it with a majority vote of the student body.<sup>3</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>Reutter, op. cit., p. 12.

<sup>3</sup>Haberman, loc. cit.

However, representatives of the American Civil Liberties Union believe that some school officials are simply ignoring the rulings and enforcing dress and grooming regulations which have been proven to be unconstitutional. Ed McManus of the Milwaukee branch of the ACLU has stated that some school officials feel that most students and their parents do not wish to become involved in lengthy court proceedings and thus, do not challenge school regulations which actually infringe on their constitutional rights.<sup>1</sup>

Commenting on what the future decade may bring, Rothermel concluded:

Consider the movements that have been very important to young people in recent years: the drug culture, the long hair, the informal dress ...Most of these subjects could create a healthy argument between the generations. No one would claim that it was the schools that molded our youth in these directions. Likewise, no one would dream that the high schools could have stopped any of these ideas from being generated. The point is simply that the function of the secondary schools in this nation will continue to reflect to an ever greater degree the society in which they serve. And in the 1980's we will probably see the schools faulted for not preparing the new generation of parents for the changes that are bound to occur<sup>2</sup> in the lives of young people in that decade.

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<sup>1</sup>Hentoff, op. cit., p. 62.

<sup>2</sup>Daniel Rothermel, "Have We Learned From Earlier Decades?" The 80's--Where Will the Schools Be? (Reston, Virginia: National Association of Secondary School Principals, 1974), p. 36.

## SEARCH AND SEIZURE

The Fourth Amendment guarantees "the right of people to be secure...against unreasonable searches and seizures shall not be violated...and no warrants shall issue, but upon probable cause."<sup>1</sup>

Although this is one of the rights available to an adult, juveniles have found that it does not necessarily apply to them in the school setting. If there is even a remote possibility that a locker may contain something which is an infringement against a school regulation, the locker may be searched and the questionable contents seized.

The legality of these searches and seizures is based on the in loco parentis doctrine. Based on Hammurabi's Code and brought to America as part of the common law, the in loco parentis doctrine allows the school to stand in the place of the parent in matters of educational concern.<sup>2</sup>

Nevertheless, as early as 1859, a Vermont court found the in loco parentis doctrine weak in areas. The court stated:

(A parent's power) is little liable to abuse, for it is continually restrained by natural affection, the tenderness which the parent feels for the offspring. The schoolmaster has no such

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<sup>1</sup>Bonnie Pedrini and D. T. Pedrini, Simulated Case Study: Student Lockers, Search and Seizure (Washington, D.C.: National Institute of Education, June, 1974), p. 4.

<sup>2</sup>James, op. cit., p. 8.

natural restraint. Hence he may not safely be trusted with all a parent's authority, for he does not act from the instinct of personal affection.<sup>1</sup>

However, the courts, through the years, have tended to uphold the in loco parentis doctrine where search and seizure is concerned. In the 1928 Dissent of Judge Brandeis in Olmsted v. U.S., he stated that an administrator has "the right to protect students under his care..."<sup>2</sup>

In the case of Phillips v. John in 1930, the question arose whether a teacher searching a student could be sued for violation of a person's privacy. This incident involved a teacher having a student remove her clothes because the teacher suspected the student had taken money. At first, the court held that in loco parentis did not apply to the extent that money for a third party was involved. Later, a higher court remanded the case; the subsequent decision determined that the search was justified for the ethical training of the child.<sup>3</sup>

Until 1970, all cases involving searches and seizures of secondary school students concerned lockers; and in each case, the state courts ruled that the school had the right to

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<sup>1</sup>Kleeman, op. cit., p. 3.

<sup>2</sup>Pedrini and Pedrini, loc. cit.

<sup>3</sup>Phay, Suspension and Expulsion of Public School Students, p. 33.

search and seizure based on the in loco parentis doctrine. For example, in the 1969 case of Donaldson v. Mercer, the court ruled that a student's locker could be searched anytime, without warrant, and without consent and that illegal material found could be used against the student.<sup>1</sup>

Since 1970, there have been several cases involving search of a person. In each of these cases, the student was asked to empty his pockets, and in each of the cases, narcotics were retrieved.<sup>2</sup>

In Mercer v. State, a principal ordered a high school student to empty his pockets; marijuana was found on the student. The majority of the court ruled that the student's constitutional rights under the Fourth Amendment were not violated since the principal had acted in loco parentis.<sup>3</sup>

In People v. Jackson, the problem again involved a search for drugs on the student. The student ran away from the school with the administrator in pursuit. Three blocks from the school, the administrator caught the student and searched him, finding the narcotics at this time. The court upheld the search and seizure stating that the school authorities have a "long-honored obligation" to protect the

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<sup>1</sup>Haberman, op. cit., p. 21.

<sup>2</sup>Hudgins, "Action Not as Heavy on Student Rights," p. 47.

<sup>3</sup>James, op. cit., p. 40.

children in their charge. The court stated that even though the school official did not have probable cause, there was a high degree of suspicion involved, thus justifying the search.<sup>1</sup>

Nevertheless, the dissent in this case was quite critical of the administrator's chasing the student, since a policeman was chasing the student as well. The dissenting opinion stated that the administrator was overstepping into the field of law enforcement when it was not necessary.<sup>2</sup>

In State v. Baccino, the search of a student's jacket for drugs was again conditioned only upon reasonable suspicion. The court stated that the Fourth Amendment "protects the privacy of individuals, including students, but only after taking into account the interests of society."<sup>3</sup>

Further defining the Fourth Amendment rights of students, the court stated the following in the case of Piazzola v. Watkins:

It is settled law that the Fourth Amendment does not prohibit reasonable searches when the search is conducted by a superior charged with a responsibility of maintaining security... A student is subject only to reasonable rules and regulations, but his rights must yield to the

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<sup>1</sup>Pedrini and Pedrini, op. cit., p. 5.

<sup>2</sup>John C. Walden, "Searches in the Schools: Implications of Recent Court Decisions," National Elementary Principal, Vol. 52, No. 1, pp. 98-99.

<sup>3</sup>Pedrini and Pedrini, op. cit., p. 15.



extent that they would interfere with the institution's fundamental duty to operate the school as an educational institution.<sup>1</sup>

Although Hudgins stated that the courts have not specifically answered the question of teachers conducting locker searches, he felt that it would be wise to limit this responsibility to a person who has specific administrative assignments.<sup>2</sup>

Although it may be questionable to have a teacher search a locker, Haberman noted that a school administrator can search a locker without a warrant and its contents can be made available in the event the student is prosecuted.<sup>3</sup>

However, Pedrini stated that there are limitations as to when a locker can be searched:

Search of a locker must be justified by one of three recognized exception to a warrant request: 1) search incident to a lawful arrest, in order to assure the safety of police or to prevent destruction of evidence; 2) search made imperative by the exigencies of a situation--to prevent the threatened removal or destruction of evidence and property when the threatened delay would frustrate<sup>4</sup> this purpose; and 3) search pursuant to consent.

The Student Rights Handbook published by the New York Civil Liberties Union has advised students not to consent to any search of either person or locker, but conceded that a

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<sup>1</sup>H. C. Hudgins, Jr., "Locker Searches and the Law," Today's Education, Vol. 60, No. 8, pp. 30-31.

<sup>2</sup>Ibid.

<sup>3</sup>Haberman, loc. cit.

<sup>4</sup>Pedrini and Pedrini, op. cit., p. 5.

student in school has no legal right to resist that search.<sup>1</sup>

Third party or implied consent was exemplified in the case of Overton v. New York. Marijuana was discovered in a student's locker when the vice-principal opened the locker at the request of a policeman who had shown him a warrant. The warrant was later declared invalid, but a New York Court of Appeals sustained the validity of the search on the basis that the vice-principal provided third party consent. The court emphasized the vice-principal's right to search in the school setting but that this right would not prevail in a non-academic setting.<sup>2</sup>

Therefore, in addition to the in loco parentis doctrine, implied consent and administrative necessity have also been reasons used to justify locker and personal searches.<sup>3</sup>

In essence, the above concepts prevail because the students do not own their own lockers. Although the lockers are made available to the students, the equipment itself is actually held by local boards of education in trust for the state.<sup>4</sup>

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<sup>1</sup>Kleeman, op. cit., p. 25.

<sup>2</sup>Haberman, loc. cit.

<sup>3</sup>Goldstein, op. cit., p. 51.

<sup>4</sup>Hudgins, "Locker Searches and the Law," pp.30-31.

As the court stressed in People v. Overton, "The student has exclusive possession of his locker in regard to other students, but not in regard to school authorities."<sup>1</sup>

There are conflicting opinions regarding the police search of a student's locker. With a valid warrant, police may search a student's locker. They may also conduct a general search without a warrant when there is a threat of immediate danger, such as a bomb scare. However, Hudgins stated that if just one locker is singled out for a search, the police should have a warrant.<sup>2</sup>

Concerning police, the NEA has stated that there should be police at school only when their presence is "demonstrably necessary to prevent injury to persons."<sup>3</sup>

In Flint, Michigan, the following statement appears in their code for student conduct:

It is emphasized that the primary duty and responsibility of the school is to educate the child, not to serve as parent for the child. Requests by law enforcement officers to interrogate a child while the child is in school imply a reasonable assurance by the officer that the matter is of such immediate concern that it would justify interrupting school routine. In cases of no immediate concern, law

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<sup>1</sup>Pedrini and Pedrini, op. cit., p. 15.

<sup>2</sup>Hudgins, "Locker Searches and the Law," pp. 31-32.

<sup>3</sup>George Gumeson, et al., Code of Student Rights and Responsibilities (Washington, D.C.: National Education Association, 1971), p. 37.

enforcement officers should delay interrogation to hours when school is not in session and when the child's parent or parents can be present.<sup>1</sup>

In Maryland, the Montgomery County school district has had a policy whereby a student under arrest cannot be questioned on the school grounds and he should be removed from the school premises as soon as possible after the arrest has been made.<sup>2</sup>

The Student Rights Handbook of New York City presents a strong position against police officers in school. The Handbook states: "Police have no power to interview you in the school and school officials have no right to make you available to the police for this purpose."<sup>3</sup>

As Thorum stated, "the last stronghold of in loco parentis doctrine" concerns search and seizure. The courts, thus far, have interpreted that the lockers are public, not private property. The South Dakota Student Code specifically states that school authorities "not only have the right, but the duty to inspect lockers"; and the Delaware Code "encourages school officials to keep a written record of any such action (locker search)."<sup>4</sup>

Nevertheless, an attorney for the Harvard Center for

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<sup>1</sup>Kleeman, op. cit., p. 25.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., p. 24.

<sup>4</sup>Thorum, op. cit., p. 12.

Law and Education feels that in loco parentis "has become increasingly irrelevant since the advent of compulsory education laws, for children may be in school against the wishes of parents."<sup>1</sup>

And Knowles has concluded:

Actually the phrase in loco parentis expresses nothing save the school has certain rights and duties to children in its care. When a court rules that a certain act by a school official is performed in loco parentis, the court is actually concluding that the act was permissible. When a court rules that an official superseded his powers in loco parentis, the court is ruling that the specific act was not legally permissible. Most simply, the phrase, "in loco parentis," is not a guide to action, but solely a conclusionary label attached to permissible school controls.<sup>2</sup>

Thus far, the in loco parentis doctrine has been upheld in all state courts. The courts have taken the position that school officials "have an interest in seeing that school property is protected and that the health, safety and welfare of young people are insured." Hudgins did advise school administrators to be prudent in conducting locker searches and to try to keep the relationship between student and administrator on the best possible level.<sup>3</sup>

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<sup>1</sup>Kleeman, op. cit., p. 3.

<sup>2</sup>Pedrini and Pedrini, op. cit., p. 10.

<sup>3</sup>Hudgins, "Locker Searches and the Law," p. 32.

## DUE PROCESS IN SUSPENSION AND EXPULSION

The Fourteenth Amendment states in part, "...Nor shall any state deprive any person of life, liberty, or property, without due process of law..." In other words, it is the right of every American to be assumed innocent of charges against him until proven otherwise in a fair and open hearing.<sup>1</sup>

Although due process can be such a complicated issue that defining it is generally done on a case-by-case basis, most courts feel that the right to an education is so basic that it cannot be taken away without due process of law.<sup>2</sup>

In Alexander v. Thompson, the court ruled that "public education is a legal right and protected by equal protection and due process guarantees and that, at a minimum, denial of public education not be arbitrary."<sup>3</sup>

Reutter noted, "The penalty most frequently challenged in lawsuits in pupil control is exclusion from school, whether is to be called a suspension or an expulsion."

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<sup>1</sup>Edgar Morphet, Roe L. Johns, and Theodore Reller, Educational Organization and Administration (2nd ed.; Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1967), p. 224.

<sup>2</sup>Haberman, op. cit., p. 28.

<sup>3</sup>Robert F. Phay, "The Courts and Student Rights--Procedural Matters," (Paper presented at the National Organization on Legal Problems of Education Annual Convention, Las Vegas, Nevada, November 12, 1971), p. 3.

Further commenting on this point, he observed, "A substantial burden of proof is on school officials for a decision that may so drastically change a youth's life."<sup>1</sup>

The importance of the educational factor in due process is reflected in the cases concerning married secondary school students. Expulsion from school for marrying has received "virtually no judicial support" whereas restrictions on extracurricular activities of married students have received "complete judicial support."<sup>2</sup>

Phay stated that due process in education is generally considered a flexible concept, as long as the element of fair and reasonable action is employed. No formal procedure is required where minor penalties are concerned. Informal procedures may also be used in long suspensions or even in expulsion cases if a student is informed of his rights and voluntarily chooses an informal procedure. In addition, a student waives his rights to due process if he refuses to follow school procedure in the matter, as declared by the court in Grayson v. Malone.<sup>3</sup>

Because due process has two connotations, they should be distinguished at this time. Procedural due process is

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<sup>1</sup>Reutter, op. cit., p. 50.

<sup>2</sup>Ibid.

<sup>3</sup>Phay, "The Courts and Student Rights--Procedural Matters," p. 3.

concerned with the formal proceedings prescribing the "method or procedure of enforcing rights or obtaining redress for their invasion," whereas substantive due process "creates, defines and regulates rights."<sup>1</sup>

Since substantive due process has been focused on in the other sections of this chapter, the primary emphasis in this section will be on procedural due process in the matter of suspension and expulsion.

Dixon v. Alabama State Board of Education is considered "the granddaddy of the recent strain of 'due process' decisions."<sup>2</sup>

Even though the Dixon case concerned college students, it did involve expelling students attending a tax-supported educational institution and as such, has been used since then as a basis for decisions in due process cases concerning students in public secondary schools.<sup>3</sup>

The case of In re Gault brought further approval of constitutional rights for young people by designating the

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<sup>1</sup>Robert Urie, "The Development and Validation of a Scale to Measure Attitudes Toward Student Rights," (unpublished Doctoral dissertation, The University of North Carolina, Chapel Hill, 1972), p. 26.

<sup>2</sup>Thomas G. Fischer, "Due Process in the Student-Institutional Relationship," (Paper for the American Association of State Colleges and Universities, Washington, D.C., 1970), p. 34.

<sup>3</sup>Ibid.



following rights:

1. Right to adequate notice
2. Right to a hearing
3. Right to counsel
4. Right to protection against self-incrimination
5. Right to confrontation and cross-examination
6. Right to reasonable doubt<sup>1</sup>

Thus when courts rule in due process cases involving students, these points are considered when there is a question of denying a student an education as a punishment. An official of the American Civil Liberties Union has stated that since the Gault decision, "everything has been aimed at expanding the concept and seeing how far it can be taken."<sup>2</sup>

Students can be denied attendance at school either temporarily by suspension, or permanently by expulsion. Brothers stated that suspension is "defined by many courts as a temporary denial of school attendance for ten days or less." If more than ten days are involved, the courts have viewed this procedure "in the same light as expulsion."<sup>3</sup>

Phay recommended that notice consist of four important steps when a student is facing the serious penalty of denial of attendance at school for ten days or more:

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<sup>1</sup>W. Richard Brothers, "Procedural Due Process: What Is It?" NASSP Bulletin, Vol. 59, No. 387 (January, 1975), 4.

<sup>2</sup>Robert S. Alvarez, e., "Drive for Children's Rights," Administrator's Digest, Vol. IX, No. 8 (September, 1974), 2.

<sup>3</sup>Brothers, op. cit., p. 5.

1. Forewarning students of the type of behavior which would subject them to expulsion. Some feel a suspension or expulsion could be declared unconstitutional if a student could not reasonably have been aware that his conduct was prohibited.
2. A written statement to the student and parents regarding the specific charges against the student, the nature of evidence to support these charges and the date of the hearing.
3. Allow the student time to prepare for the hearing.
4. Inform the student of his procedural rights before the hearing.<sup>1</sup>

One of the incidents which triggered an increase in court cases concerning due process occurred in January, 1969, when 670 students were expelled from Franklin K. Lane High School in Brooklyn. They received no notice and were told that they had no opportunity to reverse the decision. The alleged reason for the expulsions was to relieve overcrowded conditions by putting the school on a single session, thus eliminating multiple sessions. School authorities stated those students who had been absent thirty days or more during the semester and maintained an unsatisfactory academic record would be expelled. There were several students expelled who did not belong in this category; because they did not have a chance to prove this at a hearing before being expelled, a complaint was filed in behalf of all 670 students. Judge Weinstein ordered that all of the students

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<sup>1</sup>Phay, Suspension and Expulsion of Public School Students, p. 8.

be allowed back into school and instructed the school to provide remedial work to make up for the time lost from school. Glasser and Levine have pointed out that the result of this case spurred many minority groups to file complaints about other alleged infringements of rights. Because most of the students involved in the Brooklyn incident were black or Puerto Rican and from low-income groups, the increased number of complaints from these groups brought to the forefront the work of the American Civil Liberties Union in aiding these students.<sup>1</sup>

In general, the courts have ruled that a student must have sufficient notice before a hearing; however, there is at least one case on record where the court deviated from this. In Hobson v. Bailey, the court permitted school officials to first advise a student of charges against him when he appeared before the School district committee. But the court also ruled that a public school student is entitled to more than a short interview with an administrative official before being expelled.<sup>2</sup>

Although a hearing need not adhere to technical rules found in courts of law, it should be in accordance with due

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<sup>1</sup>Glasser and Levine, op. cit., pp. 213-214.

<sup>2</sup>Phay, "The Courts and Student Rights--Procedural Matters," p. 8.

process as outlined in the Gault case. As Phay recommended guidelines for notice, he also has guidelines concerning a hearing:

1. Hear both sides of the issue
2. Give the names of the witnesses against the defendant and have either oral or written reports from them.
3. Allow the student to present a defense in his own behalf and permit the testimony of witnesses in his behalf.
4. Allow for legal counsel if necessary.<sup>1</sup>

The issue of whether or not notice and hearing are required prior to student suspensions lasting no longer than ten days confronted the court in 1972 in the case of Goss v. Lopez. Because of a period of racial tension in the schools, a number of Columbus, Ohio, students were suspended for a short time. Acting upon an Ohio statute authorizing school boards or their designees to suspend students for up to ten days without notice, the building principal suspended these students. This ruling was challenged by the students on the grounds that it failed to provide due process as required by the Fourteenth Amendment. A three judge panel of a United States District Court struck down the statute by saying that school attendance could not be interrupted for as long as ten days without notice and hearing. The ruling also stated that a student must be given notice of the reasons for

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<sup>1</sup>Ibid., pp. 9-10.

his removal from school within a twenty-four hour period and a hearing must be held within seventy-two hours in order to determine whether a suspension should be imposed.<sup>1</sup>

School authorities appealed this decision to the United States Supreme Court and on January 22, 1975, the Court affirmed the lower court decision by stating that either oral or written notice of the charges against a student and the opportunity to have a hearing regarding those charges must take place if a student so desires. However, the Court did stress that an informal procedure was desirable in most cases involving a suspension of less than ten days. In addition, a student presenting a threat or danger to persons or property of the school may be removed immediately from the school premises, with notice and hearing to follow as soon as feasible.<sup>2</sup>

Regarding an immediate suspension, Phay stated:

(A suspension is warranted) in those rare instances when it offers an effective means of both communicating to the student that his conduct was unacceptable and getting his parents immediately involved by way of a conference to recognize and accept a greater responsibility in helping the student meet school standards for acceptable conduct.<sup>3</sup>

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<sup>1</sup>Thomas J. Flygare, "Two Suspension Cases the Supreme Court Must Decide," Phi Delta Kappan, December, 1974, pp. 257-258.

<sup>2</sup>Iowa Association of School Boards' Special Report (Des Moines: Iowa Association of School Boards, February 21, 1975), pp. 1-3.

<sup>3</sup>Phay, Suspension and Expulsion of Public School Students, p. 40.

Regarding open hearings, the court upheld the school committee in the case of Pierce v. School Committee when it stated that a student had no right to an open hearing where state law has authorized the school committee to go into executive session whenever matters to be discussed, if made public, might adversely affect any person's reputation.<sup>1</sup>

Phay said that appealing a decision that a school board has made at an expulsion hearing is not a Constitutional right of a student. He may have an expulsion reviewed by the school board, but any appeal must be taken to the state courts.<sup>2</sup>

Brothers stated that the right to counsel is not required in suspension cases; but in expulsion cases, the school must allow a student to be represented by counsel if a student or parent so desires.<sup>3</sup>

In the 1967 case of Goldwyn v. Allen, the court ruled that a senior student was entitled to counsel when a charge of cheating could have resulted in the denial of a diploma and the privilege of taking certain entrance examinations.<sup>4</sup>

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<sup>1</sup>Phay, "The Courts and Student Rights--Procedural Matters," p. 24.

<sup>2</sup>Ibid., p. 25.

<sup>3</sup>Brothers, op. cit., p. 6.

<sup>4</sup>Haberman, op. cit., p. 29.

Furthermore, in the case of French v. Bashful, the court stated that if the school used a lawyer, a student should be permitted to have a lawyer.<sup>1</sup>

Commenting on legal counsel, Phay said:

The primary reason that schools object to granting a student's request to have legal counsel is the fear that his attorney will change the nature of the hearing. School authorities fear that the hearing will become less like a conference and more like a judicial proceeding, a change they want to avoid. ...This additional step poses problems of cost, of finding lawyers trained to handle juvenile problems, and of dealing with people who are trained in adversary proceedings and often fail to recognize the rehabilitative aspect of the guidance conference.<sup>2</sup>

Regarding the right to protections against self-incrimination, it has generally been held by the courts that transgressions occurring in schools have not been sufficiently criminal in nature to warrant Fifth Amendment protection. However, the court suggested in Goldwyn v. Allen that the privilege against self-incrimination be available at an expulsion hearing.<sup>3</sup>

Basically, the question of the right against

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<sup>1</sup>D. Parker Young and Donald D. Gehring, Briefs of Selected Court Cases Affecting Student Dissent and Discipline in Higher Education (Athens, Georgia: Georgia University, 1970), p. 24.

<sup>2</sup>Phay, "The Courts and Student Rights--Procedural Matters," p. 13.

<sup>3</sup>Ibid., p. 21.

self-incrimination has been raised when a criminal and disciplinary action are one and the same offense. Generally, the procedure has been to follow the court's ruling in the case of Furutani v. Ewigleben whereby an expulsion hearing took place after the criminal hearing was completed.<sup>1</sup>

Some students have invoked double jeopardy in the event of a suspension and an expulsion taking place for the same offense. However, in State ex. rel. Fleetwood v. Board of Education, the court stated that "suspension is an immediate response by the principal to the misconduct; whereas expulsion is a sanction reserved to the superintendent after he reviews the offense." Therefore, a student could receive both a suspension and an expulsion for the same offense.<sup>2</sup>

A controversy has prevailed over whether or not confrontation and cross-examination of witnesses are rights that must be extended to students. In cases such as Davis v. Ann Arbor Public Schools and Hobson v. Bailey, the courts have stated that schools need not grant this privilege. But in the case of Tibbs v. Board of Education of Franklin Township, the court set aside the expulsion of a student "for failure (of the school) to produce accusing witnesses for testimony and cross-examination even though the principal and student witnesses were afraid to testify because

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<sup>1</sup>Ibid., p. 20.

<sup>2</sup>Ibid., p. 24.



of fear of reprisal."<sup>1</sup>

Many feel that if the opportunity for cross-examination would be of benefit to the hearing, it should take place. However, compelling the attendance of a witness may be beyond the power of the school, although some states do grant general subpoena power to school boards. For example, North Carolina school boards have subpoena power for "all matters which may come within the powers of the board..."<sup>2</sup>

As early as 1904, a court ruled concerning evidence and witnesses. In Morrison v. City of Lawrence, the court stated:

The hearing afforded may be of no value if relevant evidence, when offered, is refused admission, or those who otherwise would testify in behalf of the excluded pupil are prevented by action of the (school).<sup>3</sup>

Adequate evidence proved to be the focal point in a recent case before the Supreme Court. The case of Wood v. Strickland involved three tenth-grade girls from Mena, Arkansas, who admitted to "spiking the punch" at an extra-curricular function of the school held in February, 1972. They were suspended from school for the remainder of the school year--the guilty verdict determined solely on the girls' admission. Two of the girls filed suit and demanded reinstatement to school and monetary compensation. A

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<sup>1</sup>Ibid., p. 18.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., p. 17.

United States District Court found for the defendants; however, on appeal, the Eighth Circuit Court reversed the decision stating that there was no evidence presented at the suspension hearing which established that an intoxicating beverage was used. The court further stated that the suspensions violated due process and must be removed from the girls' records. The court also held that the students could recover damages if they were able to show that the board members failed to act in good faith. The board members appealed to the Supreme Court.<sup>1</sup>

On February 25, 1975, the Supreme Court decided that a school board member is not immune from liability for damages if he knew or should have known that actions taken in the capacity of a school board member would violate the constitutional rights of a student; in this case, the Court felt that ignorance of the law was no excuse.<sup>2</sup>

In the 5-4 decision in the Wood v. Strickland case, Justice Byron White stated that a school board member must know the "basic, unquestioned constitutional rights" of all students and must have acted "sincerely and with a belief

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<sup>1</sup>Flygare, loc. cit.

<sup>2</sup>A DPI Special Report, No. 1001-Bj0241 (Des Moines: Iowa State Department of Public Instruction, March, 1975), pp. 1-2.

that he (or she) is doing right."<sup>1</sup>

In the dissenting opinion, Justice Powell remarked concerning the immunity issue:

(Non-immunity) would impose personal liability on a school official who acted sincerely and in the utmost good faith, but who was found--after the fact--to have acted in "ignorance...of settled, indisputable law." Or as the Court also puts it, the school official must be held to a standard of conduct based not only on good faith "but also on knowledge of the basic, unquestioned constitutional rights of his charges." Moreover, ignorance of the law is explicitly equated with "actual malice." This harsh standard, requiring knowledge of what is characterized as "settled, indisputable law," leaves little substance to the doctrine of qualified immunity. The Court's decision appears to rest on an unwarranted assumption as to what school officials know or can know about the law and constitutional rights.<sup>2</sup>

The case has been remanded to the lower court for further consideration, but the decision made by the Supreme Court has prompted Nolte to impart this statement of caution to school board members:

As a school board member, you do have an impressive degree of discretionary authority that the courts will honor. It is, essentially, when you or your superintendent attempts to use this authority to violate a constitutional right, which transcends this authority, that you're now almost certain to get into trouble--and personally expensive trouble.<sup>3</sup>

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<sup>1</sup>M. Chester Nolte, "School Boards: Your Authority has just been Restricted; School Board Members: Your Security has just been Threatened," The American School Board Journal, Vol. 162, No. 4 (April, 1975), 33.

<sup>2</sup>A DPI Special Report, op. cit., p. 3.

<sup>3</sup>Nolte, op. cit., p. 35.

Thus, the handling of suspension and expulsion cases is no minor matter. Phay concluded:

In the past, education was considered a privilege, not a right, and school expulsions were generally not reviewed by the court. Today, education is considered a right that cannot be denied without proper reason, and unless proper procedures are followed.<sup>1</sup>

#### STUDENT RIGHTS IN GENERAL

The controversy over student rights still prevails. Commenting on the conflicts existing in public schools, Martin stated:

The fact that lawsuits have been necessary for students to achieve their rights indicates that opposition exists. That opposition is teachers, school administrators and school boards. How these three groups react as the repercussions of these (court) decisions and others like them reach the schools will determine the duration of the present battle and the nature of the next one.<sup>2</sup>

As illustrated in the discussion of the court cases in the previous sections, Reutter said that a certain amount of subjectivity can be found in the rulings, yet the courts actually disagree very little on the fundamental issues involved. The differing results come primarily from the facts involved in a case.<sup>3</sup>

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<sup>1</sup>Phay, "The Courts and Student Rights--Procedural Matters," p. 1.

<sup>2</sup>David V. Martin, "Rights and Liberties of Students," High School Journal, Vol. 57, No. 1, p. 36.

<sup>3</sup>Reutter, op. cit., p. 54.

Hogan stated that in the past, the party attacking a school regulation carried the burden of proof. However, in recent years the situation has been reversed; when a constitutional right has allegedly been infringed upon, school authorities have carried the burden of proving that the "intrusion by the state is in furtherance of a legitimate state interest."<sup>1</sup>

Donoghoe reported that the most successful course of action for school authorities has been the use of the "disruption theory." She stated:

The reasoning in the cases giving weight to the statements by the educators is that these are trained professionals, who are in day-to-day observation of their classrooms and<sup>2</sup> enlightened to the needs of the school community.

But Hazard pointed out that when school regulations are challenged and found to be unconstitutional, court decisions become policy on the matter and the conflicting board policy no longer prevails.

According to Reutter, non-compliance with the legal rights of students has been approached from two extremes:

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<sup>1</sup>John C. Hogan, The Schools, The Courts, and the Public Interest (Lexington, Massachusetts: D. C. Heath and Co., 1974), p. 79.

<sup>2</sup>Diane C. Donoghoe, "Emerging First and Fourth Amendment Rights of the Student," Journal of Law--Education, Vol. 1, No. 3 (July, 1972), 462.

<sup>3</sup>William R. Hazard, "Courts in the Saddle: School Boards Out," Phi Delta Kappan, December, 1974, p. 260.

1. Lack of awareness of what the courts are saying.
2. Reluctance of school authorities to take reasonable stands and to gather evidence and appropriate constitutional arguments to support their needs in operating efficient schools.<sup>1</sup>

Glasser and Levine said that "official lawlessness" in terms of school authorities resisting court rulings concerning student rights is "now the major obstacle to the establishment of student rights, and is also a major cause of conflict in the schools."<sup>2</sup>

As an example, Glasser and Levine reported that the New York Board of Education's acceptance of the Student Rights Handbook was, in their opinion, far from desirable. They stated:

The Board's attitude toward student rights ranged from active opposition to militant unconcern. The Board even had to be taken to federal court to force principals to permit students to distribute the Student Rights Handbook, describing the Board's own policies.<sup>3</sup>

Thus, there is some feeling that even though court decisions have been made promoting student rights, there is

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<sup>1</sup>Reutter, op. cit., p. 53.

<sup>2</sup>Glasser and Levine, "Bringing Student Rights to New York City's School System," p. 224.

<sup>3</sup>Ira Glasser and Alan H. Levine, New York Civil Liberties Union Student Project Report on the First Two Years, 1970-1972 (New York: New York Civil Liberties Union, September, 1972), p. 3.

no guarantee that school authorities will carry through the court decisions. Mandel stated:

While there is no conceptually coherent framework for understanding the dynamics of compliance by school organizations with court decisions, the available evidence indicates that the decision to comply or not to comply with a court decision that affects an organization is, in significant measure, a group decision influenced by socio-psychological forces, particularly the group's evaluation of whether compliance or non-compliance is most consistent with the group's needs and goals. If group members engage in non-compliant behavior, they tend to develop norms, values and defenses to support their decision.<sup>1</sup>

SIC, the newsletter of the High school Information Center in Washington, D.C., reported:

Students and society are changing at a much faster pace than the schools, so the people who run the school feel threatened--physically, intellectually, and emotionally--by the students.<sup>2</sup>

The manner in which a school administrator handles a problem is of utmost importance, according to Flemmings. He stated:

The problem of student unrest which confronts school administrators is, at bottom, a problem in the management of conflict and change.... The way a school administrator responds to and manages conflict and change will have widespread

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<sup>1</sup>David L. Kirp and Mark G. Yudorf, Educational Policy and the Law (Berkeley, California: McCutchan Publishing Company, 1974), p. 183.

<sup>2</sup>Kleeman, op. cit., p. 6.

consequences for the overall functioning and stability of his school.<sup>1</sup>

Gudridge felt that communication between student and administrator is of primary concern. She said:

First, it is essential to untangle the slogans and demands from the heart of the grievances. Usually when the administrator gets tuned in on the students' wave length, he finds that the essential grievances boil down to about four major categories: a) listen to us--for all you know, we might have something; b) treat us like adults and maybe we'll act that way; c) cut us in on the action--it's our school as well as yours; d) teach us what we need to know now, so that we can use it in our lives.<sup>2</sup>

Therefore, with the present American preoccupation of taking the matter to court and the receptiveness of the courts to student rights suits, Gaddy, too, felt that many issues litigated in the courts could have been avoided if administrators and school board members were more attuned to the social tenor of society."<sup>3</sup>

Kleeman cited an Education USA survey which found neither a majority of states nor local systems promoting

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<sup>1</sup>Vincent Flemmings, Student Unrest in the High Schools, A Position Paper (New York: Center for Urban Education, June, 1970), pp. 45-46.

<sup>2</sup>Gudridge, op. cit., p. 21.

<sup>3</sup>Dale Gaddy, Rights and Freedoms of Public School Students: Directions from the 1960's, State-of-the-Knowledge Series No. 9 (Topeka, Kansas: National Organization on Legal Problems of Education, 1971), p. 54.



declarations of student rights and responsibilities, yet students seem to be consulted more frequently about school matters, including curriculum and teacher employment.<sup>1</sup>

A high school principal, John Jenkins, has stated the following opinions regarding the students of today and the schools of tomorrow:

There is no generation gap; there's a culture gap. Those of us over 30 are products of a society that was predominantly survival oriented. ...(Today) the kids are really different. They demand their humanity first. This circumstance calls for some decided changes in the practices of high school. As a starter, we need to shift from the practices of calling attention only to the negative aspects of a student's behavior. More kids are finding the school the only place in society where any kind of successful orientation can be generated. If it doesn't happen in school, then it isn't likely to happen at all.<sup>2</sup>

Haake and Langworthy concluded that, after all, students may have something worthwhile to tell the adults. They said:

Perhaps the major confrontation occurring today is the fact that our youth are seeking to involve us in evaluation aimed at redefining democracy in a way which is consonant with our future as well as our heritage. We can neither dictate answers to youth nor abdicate our responsibilities to them if we are to be true

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<sup>1</sup>Kleeman, op. cit., p. 1.

<sup>2</sup>John Jenkins, "When the Future Becomes the Present," The 80's Where Will the Schools Be? (Reston, Virginia: The National Association of Secondary School Principals, 1974), p. 39.

to the canons of our (educational) profession.<sup>1</sup>

#### SUMMARY

The trend in court cases adjudicated has been in the direction of the extension of student rights and the limiting of the rights of school district personnel.

The greatest extension has been in the direction of dress and grooming; the least, in the area of search and seizure. The school district's ownership of lockers is an intrinsic factor in the latter kind of case.

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<sup>1</sup>Bernard Haake and Philip Langworthy, Student Activism in the High Schools of New York State (Albany, New York: State Department of Education, March, 1969), p. 21.

## Chapter 3

### METHODS AND PROCEDURES

In order to determine the attitudes of Iowa public school board members, superintendents, secondary school principals and secondary school students, it was necessary to develop a survey instrument which would indicate how each individual selected for the random sample would react to statements concerning student rights. This chapter contains the methods and procedures used in determining these attitudes.

### SOURCES OF DATA

From the conception of this thesis and for reasons previously expressed in Chapter 1, the topic, student rights, was limited to four major areas of concern: dress and grooming, freedom of expression, suspension and expulsion, and search and seizure.

Many sources were consulted and from the literature reviewed, statements of pertinent significance to the designated areas were listed. Following an accumulation of these statements, the list was edited to thirty-eight items that were related in subject matter, and adequately clear in structure, in order to elicit a definite positive or negative reply from the respondent. These statements were then submitted to the doctoral committee for their consideration.

From their suggestions, the statement list was reduced to thirty-two items.

The thirty-two statements were equally divided in subject matter: there were eight statements specifically relevant to each of the four major areas of concern.

The Likert scale was chosen to measure the attitudes of the respondents. This method was utilized because a previous study had validated its measurement in a survey of this nature<sup>1</sup> and because it provided relative ease in responding to the survey instrument.

The scale was based on the following ratings:

- 3 Strongly disagree with the statement
- 2 Moderately disagree with the statement
- 1 Slightly disagree with the statement
- +1 Slightly agree with the statement
- +2 Moderately agree with the statement
- +3 Strongly agree with the statement

Zero or a neutral reaction was eliminated from the scale in order to induce the respondent to make a definite positive or negative choice.

#### VALIDATION

The survey instrument was then prepared in relatively final form for the purpose of validation. In February, 1975, it was submitted to the Boone County Public School Administrators for their comments and suggestions. They unanimously

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<sup>1</sup>Robert Urie, "The Development and Validation of a Scale to Measure Attitudes Toward Student Rights," (unpublished Doctoral dissertation, The University of North Carolina, Chapel Hill, 1972), p. 26.

agreed that the instrument was satisfactory in the designated form. The survey instrument was also completed by several school board members, the secondary school principal and students at Madrid High School, and their reaction to the survey instrument was also satisfactory.

#### PROCEDURE

Following the acceptance of the survey instrument by the doctoral committee, a random sample of Iowa public school districts was made. Because the study called for categorization of public school districts based on size, the Iowa Educational Directory 1974-75 School Year was consulted. It was determined that, of the 450 public school districts in Iowa, 233 had a total enrollment of less than 750 students each; 130 had a total enrollment of 750-1,499 students each; and 87 school districts had a total enrollment of 1,500 students or more.

Each of the three size categories required returns from twenty-five school board members, twenty-five superintendents, twenty-five secondary school principals and twenty-five secondary school students. Approximately double the number of respondents for each category was contacted in order to insure an adequate number of replies to the survey instrument.

After the 450 school districts were divided according to the previously stated assignments, they were designated

consecutive numbers: those with a total enrollment of less than 750 students were assigned the numbers 001 through 233; those with total enrollments of 750-1,499 students were assigned the numbers 234 through 363; and those with a total enrollment of 1,500 or more students were assigned the numbers 364 through 450.

Neiswanger's Elementary Statistical Methods was then consulted for a table of random numbers.<sup>1</sup> The first three digits of the five digit numbers in the table determined the school district involved for the sample; duplicate numbers in the table were eliminated. From this table, the following numbers of schools were selected:

Less than 750 students--fifty-six schools  
750-1,499 students--fifty-eight schools  
1,500 or more students--forty-three schools

The investigator elected to use all of the school districts indicated for the sample, thus providing an adequate list of contacts.

On March 7, 1975, the survey instrument, along with a stamped, self-addressed envelope for the return of the instrument, was mailed to the designated superintendents of school, secondary school principals and students. The principal's envelope contained two survey instruments with an

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<sup>1</sup>William Addison Neiswanger, Elementary Statistical Methods (New York: The Macmillan Company, 1956), p.729.

explanatory note asking that the principal deliver an additional instrument to the fifth student on the class rolls in the ninth, tenth, eleventh or twelfth grades. The number, "five," was chosen because it was the first single digit found on the table of random numbers.

Through the cooperation of the Iowa Association of School Boards, a list of current school board presidents was obtained. This list was received on March 13, 1975, and the survey instrument was subsequently mailed to those school board presidents designated for the sample.

Each of the survey instruments was coded with the assigned number of the school district in the event a follow-up would be necessary. Three weeks from the time of mailing was arbitrarily set for the follow-up; however, because an adequate number of responses was obtained in all categories, the follow-up step was eliminated.

As the survey instruments were returned, the coded number was checked off against a master list. When the survey instruments from all four respondents in a specific school district were secured, they were designated for the study.

A small percentage of the survey instruments were declared invalid because of the respondent's failure to reply to all of the statements or because more than one number had been circled for one statement.

Until the actual tabulation occurred, all of the

survey instruments complete for the four divisions for an individual school district were considered eligible for the sample. If twenty-five school districts had been complete in any size category, this would have been sufficient for the sample in that size category. Since this did not happen, however, it was necessary to identify districts where three of the four individuals had responded. In each case, the fourth category was completed by random selection from other school district responses in that area. This method continued until all of the categories were completed with the specified number of respondents.

#### SCORING

Because of the manner in which the statements were written, statements 3, 4, 5, 7, 12, 16, 18, 25 and 26 were considered negative student rights statements; thus the scoring was reversed when the tally was made. All of the other statements were scored as directly indicated on the survey instrument.

The total number of points on each survey instrument was counted and indicated on the front page. These scores were then placed on a master sheet divided according to the three school size categories and the four group membership positions. Possible scores were from -96 to +96.

From the master sheet, tabulations were made for the analysis of data, the results of which can be found in Chapter four.



## ANALYSIS

Two null hypotheses were to be tested (Chapter 1, page 4). Since the data for the two tests were the same, it was possible to check for both null hypotheses with a single statistical model. A two-factor analysis of variance was selected as most appropriate for this purpose.

Raw scores were used for the analysis. The first test was to determine the extent of interaction to see whether district size had a differential effect across the four groups. If this proved non-significant, it would then be possible to check the two main effects, group membership and district size as these affected attitudes toward student rights.

For any main effect which proved to be statistically significant ( $p < .05$ ), the Scheffé test would be used to determine where the significant differences occurred.

## Chapter 4

### FINDINGS

As indicated by the review of the literature in Chapter 2, there have been controversial effects resulting from court rulings concerning student rights. Therefore, the purpose of this study was to determine whether a difference in attitudes toward student rights existed in the public schools of Iowa.

In order to manifest individual attitudes toward student rights, a survey instrument containing thirty-two statements relevant to student rights with a scale to measure positive or negative reactions to each statement was constructed.

To conduct a valid survey, responses were obtained from twenty-five school board members, twenty-five superintendents of school, twenty-five secondary school principals and twenty-five secondary school students in each of the three school size categories. Anticipating a less than 100 percent response, 157 of the 450 public school districts in Iowa were randomly selected for the survey. In each of the selected school districts, the school board president, superintendent of schools, secondary school principal and a secondary school student were contacted to participate in the survey.

Each school district size category provided an

adequate number of responses to the survey instrument: 80 percent of the survey instruments were received from schools with less than 750 students; 73 percent of the survey instruments were received from schools with 750-1,499 students; and 73 percent of the survey instruments were received from schools with 1,500 or more students. Each of the four groups in each of the school size categories returned an adequate number of survey instruments so that a follow-up was not necessary. (See Appendix B for the total number of returns in each category.)

The results of the survey are included in this chapter. The data include the mean scores of attitudes toward student rights by groups and by school size; an analysis of variance for attitudes toward student rights by groups and by school size; the mean differences in attitudes between groups and between school district size. (The raw data can be found in Appendix C.)

Table 1 contains the mean scores of attitudes toward student rights exhibited by all four groups of subjects across school size and Table 2 contains the mean scores of attitudes toward student rights by school size across the four groups of subjects. Possible raw scores ranged from -96 for the most extremely negative attitude toward student rights to a +96 for the most extremely positive attitude toward student rights.

TABLE 1  
MEANS OF ATTITUDES TOWARD STUDENT RIGHTS BY GROUPS OF  
SUBJECTS ACROSS SCHOOL SIZE

Group	Means
Students	+21.87
Principals	- 6.80
Superintendents	-11.91
Board Members	-13.17

As indicated in Table 1, the mean scores of attitudes toward student rights shown by the students were on the positive side of the scale whereas the mean scores of the other three groups were on the negative side of the scale. Although the principals were on the negative side, they were less negative in their attitudes toward student rights than either the superintendents or the board members.

TABLE 2  
MEANS OF ATTITUDES TOWARD STUDENT RIGHTS BY SCHOOL  
SIZE ACROSS GROUPS

School Size	Means
Less than 750	-4.27
750-1,499	-5.77
1,500 or more	+2.53

The mean scores for all of the groups within a school district size category indicate that the respondents from large school districts (1,500 or more students) were on the positive side of the scale in attitudes toward student rights whereas respondents from the small districts (less than 750 students) and medium-sized districts (750-1,499 students) were on the negative side. Those responding from medium-sized school districts displayed a more negative mean score than those from the small school districts.

In conducting the analysis of variance, the interaction, or differential effect of school size on responses by group, was found to be non-significant. Therefore, it was possible to check the main effects of school district size and group membership. The results of the analysis of variance tests can be seen in Table 3.

TABLE 3

ANALYSIS OF VARIANCE SUMMARY TABLE FOR ATTITUDES TOWARD  
STUDENT RIGHTS BY MEMBERSHIP (A) AND BY  
SCHOOL DISTRICT SIZE (B)

Sources	df	SS	MS	F
A	3	61097.24	20365.75	59.82**
B	2	3912.67	1956.34	5.75**
Interaction	6	2653.33	442.22	1.30 NS
Within	288	98049.76	340.45	
TOTAL	299	165713.00		

\*\*p &lt; .01

Data in Table 3 indicate that the main effect for group membership was significant beyond the .01 level in terms of attitudes toward student rights. This means that the differences between the means of the groups in attitudes toward student rights was great enough that these differences would have occurred by chance less than one time in one hundred.

The effect of attitudes toward student rights by school district size category also resulted in an F test which was significant beyond the .01 level.

Thus, both of the main characteristics under examination were found to have a significant effect on attitudes toward student rights.

A Scheffé test of significance was then applied to determine the differences in means as observed in each dimension: group membership and school district size. Data in Tables 4 and 5 show these results.

TABLE 4

MEAN DIFFERENCES IN ATTITUDES TOWARD STUDENT RIGHTS BETWEEN GROUPS ACROSS SCHOOL DISTRICT SIZE (ROW MINUS COLUMN)

	Principals	Superintendents	Board Members
Students	+28.67**	+33.78**	+35.04**
Principals		- 5.11*	- 6.37**
Superintendents			- 1.26

\*\*p < .01

\*p < .05

Data in Table 4 show that students were significantly more positive in their attitudes toward student rights than superintendents, principals, or school board members.

However, principals, even though significantly less positive in their attitudes toward student rights than students, were significantly more positive than either the superintendents or board members. The differences in attitudes toward student rights between the superintendents and board members proved to be non-significant.

TABLE 5

MEAN DIFFERENCES IN ATTITUDES TOWARD STUDENT RIGHTS BETWEEN  
SCHOOL DISTRICT SIZE CATEGORIES ACROSS GROUPS  
(ROW MINUS COLUMN)

District Sizes	750-1,499	1,500 or More
Less than 750	+1.5	-6.8**
750-1,499		-8.3**

\*\*p < .01

Data in Table 5 indicate that there was no significant difference in attitudes toward student rights between respondents from small and medium districts. However, there was a difference between responses from the large school districts as compared to those from small and medium-sized school districts; respondents from the large school districts displayed a significantly more positive attitude toward student rights.

### Null Hypothesis 1

There are no differences between the mean attitudes of school board members, superintendents, secondary school principals and secondary school students in their attitudes toward student rights.

Findings pertinent to this hypothesis can be found in Tables 1, 3, and 4. Data in Table 1 indicate that students hold a somewhat positive attitude toward student rights, whereas the other three groups were somewhat negative. Secondary school principals were found to be less negative than superintendents and school board members.

Data in Table 3 show the calculated F value to be 59.82. This value exceeds the tabular F value of 3.88 at the one percent level. Therefore, this indicates that there are significant differences between groups concerning student rights.

Data from Table 4 indicate again that students were significantly more positive in their attitudes toward student rights and that principals were significantly more positive than superintendents and board members. The data also indicate that the differences in attitudes toward student rights between superintendents and school board members is non-significant.

Because of these findings, the null hypothesis was rejected. While there was no significant difference in attitudes toward student rights between superintendents and



school board members, secondary school principals exhibited a significantly more positive attitude toward student rights than either of those groups; and secondary school students showed a significantly more positive attitude toward student rights than any of the other groups.

### Null Hypothesis 2

There are no significant differences in attitudes toward student rights between groups in small school districts (less than 750 students), medium-sized school districts (750-1,499 students), and large school districts (1,500 or more students).

Findings applicable to this hypothesis can be found in Tables 2, 3, and 5. Data in Table 2 indicate that large school districts exhibit a more positive attitude toward student rights than either the small or medium-sized school districts.

In Table 3, the calculated F value of 5.75 exceeds the tabular F value of 4.71 at the one percent level, thus indicating a significant difference in attitudes toward student rights.

Data in Table 5 show no significant difference in attitudes toward student rights between respondents from small and medium-sized school districts; but there is a significant mean difference in attitudes toward student rights across groups between respondents from the large

school districts and the small and medium-sized school districts.

Thus, the null hypothesis was rejected because the data indicate a more positive attitude toward student rights exhibited by responses from the large school districts as compared to those from the small and medium-sized school districts.

## Chapter 5

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

This chapter contains a summary of the study, conclusions, and recommendations for further action and future investigation.

#### SUMMARY

Since the decade of the sixties, an expansion of student rights in public schools has been taking place through court rulings and organized student efforts. Landmark judicial decisions, such as Tinker v. Des Moines Independent School District and Scoville v. Board of Education of Joliet Township, have set precedents and have given added impetus to an awareness of student rights.

Although court rulings in certain areas of student rights, specifically search and seizure, have favored existing school policy, challenges of school policies in other areas of student rights are being upheld by the courts in a majority of cases. The courts are particularly favorable to students when due process is involved; and in the areas of freedom of expression and dress and grooming, the courts are displaying a more lenient attitude in the last few years than they have in the past.

This investigation has revealed that changes in school policy do not necessarily maintain the same pace as

judicial decisions handed down concerning student rights. The reasons for non-compliance with judicial decisions are varied, ranging from ignorance of the law to defiance of a court ruling. Some administrators indicate that students and their parents do not wish to be involved in a long court case; so until a school policy is challenged, it is not changed to coincide with the law.

However, courts are becoming more adamant in enforcing their decisions; recently, the Supreme Court ruled in Wood v. Strickland that a school board is not immune from incurring monetary damages for deliberate infringement of the constitutional rights of students. There are also organizations willing to aid students in challenging school policies which allegedly infringe on the rights of students.

Therefore, the purpose of this study was to determine the existing attitudes toward student rights manifested by school board members, superintendents of school, secondary school principals and secondary school students in Iowa public schools.

To accomplish this goal, a survey instrument containing statements relevant to student rights was sent to each of the four group subjects in randomly selected public school districts in the state of Iowa.

## CONCLUSIONS

The following conclusions resulted from the responses made to the survey instrument:

1. Students have a more positive attitude toward student rights than board members, superintendents and secondary school principals.

2. Secondary school principals have a more positive attitude toward student rights than board members or superintendents.

3. Board members and superintendents are similar in their attitudes toward student rights.

4. In Iowa, respondents from the large school districts (1,500 or more students) have a more positive attitude toward student rights than those from the small (less than 750 students) or medium-sized (750-1,499 students) public school districts.

5. In Iowa, respondents from the small public school districts and medium-sized public school districts were similar in their attitudes toward student rights.

## RECOMMENDATIONS

As a result of this study, the following recommendations are suggested:

1. For school board members and administrators, there should be held periodically a required in-service day

concerning school law and discussion of court decisions relevant to public schools.

2. Pertinent courses of study encompassing the constitutional rights of students should be required for all student teachers and potential administrators.

3. A survey instrument by which each school could test for weak or dissonant areas concerning student rights should be developed.

4. School staff-parent-student representative councils for the review of school policies and the establishment of short and long-range goals should be developed.

5. The development of a uniform student rights code legally acceptable to all concerned parties is recommended.

6. There should be a longitudinal study to see how, if at all, group attitudes change over time and whether such changes result in larger or smaller differences between groups.

7. An identification and study of other groups, such as parents, should be compared with groups like those included in this study.

8. There should be studies designed to determine why the differences exist between groups as were found in this study and to explore the effectiveness of procedures structured to reduce such differences.

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## APPENDICES

## APPENDIX A

\*\*\*\*\*

Under the direction of Dr. Robert L. Whitt of Drake University, I am doing a research study on attitudes toward student rights. Your school district has been selected as part of a random sample of Iowa public school districts to be included in this study.

Please complete the enclosed questionnaire and return it to me in the self-addressed, stamped envelope accompanying the questionnaire. The data will be coded; individuals and school districts will not be identified.

Thank you for assisting me in this project and I will look forward to receiving the completed questionnaire at your earliest convenience.

Marion A. Romitti  
Superintendent of Schools  
Madrid Community School District

\*\*\*\*\*

### DEMOGRAPHIC INFORMATION

Please Check the Appropriate Blank:

Board Member \_\_\_\_\_ Superintendent \_\_\_\_\_

Principal \_\_\_\_\_ Student \_\_\_\_\_

Sex: Male \_\_\_\_\_ Female \_\_\_\_\_

Age: 14-20 \_\_\_\_\_ 21-25 \_\_\_\_\_ 26-30 \_\_\_\_\_ 31-35 \_\_\_\_\_

36-40 \_\_\_\_\_ 41-45 \_\_\_\_\_ 46-50 \_\_\_\_\_ 51-55 \_\_\_\_\_

56-60 \_\_\_\_\_ 61-65 \_\_\_\_\_ 66+ \_\_\_\_\_

For Students Only: Grade Level 9 \_\_\_\_\_ 10 \_\_\_\_\_ 11 \_\_\_\_\_ 12 \_\_\_\_\_

For Superintendents Only: K-12 enrollment 0-749 \_\_\_\_\_

750-1499 \_\_\_\_\_ 1500+ \_\_\_\_\_

For Board Members, Superintendents & Principals:

Total Years Experience With Present Title \_\_\_\_\_

## STUDENT RIGHTS SURVEY

Circle your answer according to how much you agree or disagree with the statement. Please respond to each of the thirty-two (32) statements.

CODE:        +3 Strongly agree        -3 Strongly disagree  
               +2 Moderately agree    -2 Moderately disagree  
               +1 Slightly agree       -1 Slightly disagree

1. Students have the right to dress and to wear their hair as they and their parents wish.

+3       +2       +1       -1       -2       -3

2. Students should not be required to purchase gym uniforms.

+3       +2       +1       -1       -2       -3

3. The administration should require acceptable standards of student dress for the school.

+3       +2       +1       -1       -2       -3

4. Students should be denied participation on athletic teams or the school band if they wear long hair.

+3       +2       +1       -1       -2       -3

5. When a dress code is created and voted upon by a majority of the student body, the school should be able to regulate personal appearance.

+3       +2       +1       -1       -2       -3

6. The more relaxed a code of behavior, the easier and more simply would discipline problems be solved.

+3       +2       +1       -1       -2       -3

7. The Board should prohibit student dress or appearance which is disruptive within the school.

+3       +2       +1       -1       -2       -3

8. It is best to have a written student dress code prepared with the cooperation of students, teachers, parents and administrators.

+3       +2       +1       -1       -2       -3



9. Disruption should actually occur in order for suspension to take place.  
+3 +2 +1 -1 -2 -3
10. Students should be allowed to complete assignments and tests during suspension.  
+3 +2 +1 -1 -2 -3
11. Records on suspension should not be maintained beyond the end of the school year.  
+3 +2 +1 -1 -2 -3
12. If the disruptive student is barred from the classroom, education for other students would be improved and safety maintained.  
+3 +2 +1 -1 -2 -3
13. A student should have the opportunity to confront and cross-examine his accusers.  
+3 +2 +1 -1 -2 -3
14. An expulsion hearing should be held before an impartial tribunal with decision-making powers.  
+3 +2 +1 -1 -2 -3
15. When a student is expelled, he should have an opportunity to appeal to a higher authority.  
+3 +2 +1 -1 -2 -3
16. "In loco parentis" means that the school stands in the place of the parent, and therefore, can regulate conduct so long as the regulation was reasonable.  
+3 +2 +1 -1 -2 -3
17. If school publications are free from libel, obscenities or personal attacks, they should be printed without school interference.  
+3 +2 +1 -1 -2 -3
18. Newspapers printed by a journalism class for credit should have faculty supervision.  
+3 +2 +1 -1 -2 -3

19. Unpopular or controversial speakers should be permitted to address student organizations.

+3      +2      +1      -1      -2      -3

20. Students should be able to distribute literature, leaflets or underground newspapers on school property.

+3      +2      +1      -1      -2      -3

21. Students should not have to submit speeches to school authorities for their approval.

+3      +2      +1      -1      -2      -3

22. No institution should require a student group to hear both sides of any issue.

+3      +2      +1      -1      -2      -3

23. A student petition should at least get honest and sincere attention from proper authorities.

+3      +2      +1      -1      -2      -3

24. A properly elected student council should have an appropriate share in the conduct of the school's affairs.

+3      +2      +1      -1      -2      -3

25. On school property, school officials should be able to search students, their lockers, their desks and their personal property.

+3      +2      +1      -1      -2      -3

26. A search is justified when a locker contains something contrary to school rules, or is detrimental to the school.

+3      +2      +1      -1      -2      -3

27. Students should be able to refuse a search of their locker by police or school officials without a search warrant.

+3      +2      +1      -1      -2      -3

28. Police authorities should not be able to interview students in the school building.

+3      +2      +1      -1      -2      -3

29. A school locker assigned to a student should be considered his private property.

+3      +2      +1      -1      -2      -3

30. There should be a written record of a locker search.

+3      +2      +1      -1      -2      -3

31. Students should be given prior notice that the school reserves the right to search the lockers.

+3      +2      +1      -1      -2      -3

32. Any evidence procured from an illegal search and seizure should not be used against a student.

+3      +2      +1      -1      -2      -3

# APPENDIX B

## SURVEY INSTRUMENT RETURNS

Board Supt. Prin. Stu. Returns					
Less than 750 students:					
Received	38	47	49	46	180
Sent	56	56	56	56	224
750-1,499 students:					
Received	34	49	47	40	170
Sent	58	58	58	58	232
1,500+ students:					
Received	26	37	33	30	126
Sent	43	43	43	43	172
Total:					
Received	98	133	129	116	476
Sent	157	157	157	157	628

# APPENDIX C

## RAW SCORES FOR SMALL SCHOOLS (LESS THAN 750 STUDENTS)

Board Members	Superintendents	Principals	Students
-39	- 5	-48	+30
- 4	+ 9	- 6	+ 3
-17	-26	+18	-15
-32	- 2	+25	- 9
-27	- 8	+18	+30
-18	-10	-15	+16
-35	- 6	-16	+22
-34	-11	- 5	+ 3
+ 8	-12	-16	+18
+ 3	-11	- 9	+19
-10	- 3	- 2	-21
-26	+ 2	+ 5	+45
+ 5	-54	+ 1	+24
- 8	-28	-16	+24
-24	-28	-27	+40
+ 8	+ 2	-22	+36
-29	-14	-10	+15
-25	+20	+ 8	-15
- 8	-51	-13	+46
-27	+ 1	-32	+ 5
-15	-31	+13	+43

## RAW SCORES FOR SMALL SCHOOLS (Continued)

Board Members	Superintendents	Principals	Students
-13	- 7	+18	+ 1
- 9	-25	+ 7	+17
- 2	-16	+30	+36
-34	-14	-12	+ 6

## RAW SCORES FOR MEDIUM SCHOOLS (750-1,499)

Board Members	Superintendents	Principals	Students
+ 2	- 9	+ 4	+11
-24	- 8	-18	+47
-38	-38	-28	+25
- 2	-36	+16	+34
- 6	-24	-15	+19
-30	- 7	-12	+25
-11	-12	- 2	+30
-48	-28	-15	-26
-23	- 7	- 9	+ 8
-17	-13	-36	+11
-33	-20	-28	+36
-41	- 6	- 4	+47
-24	- 9	-30	+64
-27	-17	-17	+28
-26	-29	+20	+15
- 4	+13	-18	+49
-24	-17	+24	+35
-55	-35	-23	+21
+ 5	-18	-30	+27
-32	-25	-31	+58
+41	-27	- 4	+15
-26	-11	+ 4	+ 9
+20	-19	-22	+12
+ 3	+ 9	-12	+45
-32	-32	-33	-26

## RAW SCORES FOR LARGE SCHOOLS (1,500+)

Board Members	Superintendents	Principals	Students
+34	- 6	+ 4	+45
- 1	+ 4	-44	+19
+37	+ 4	+30	+51
-19	+ 3	- 1	- 4
-11	+ 6	+ 8	+40
- 3	-30	+ 8	+18
+14	+12	- 9	+35
- 7	+11	+ 6	+41
+12	-18	-24	+37
+14	+26	-11	+42
+ 8	-19	- 2	+19
- 4	- 2	0	+31
-33	-29	0	+52
-33	- 6	- 8	+ 8
-14	-11	+24	- 7
-18	-10	-20	+40
-17	+ 6	+ 9	+36
-35	-11	-16	+36
- 3	- 6	-13	+ 3
-22	-20	-31	-14
-21	- 7	+38	+31
- 5	-16	-42	+ 4
+ 3	-46	+ 4	+ 6
+ 2	+44	-17	+ 8
- 2	-19	+22	+25